

# PHA Plans

5 Year Plan for Fiscal Years 2000 - 2004  
Annual Plan for Fiscal Year 2000

**NOTE: THIS PHA PLANS TEMPLATE (HUD 50075) IS TO BE COMPLETED IN  
ACCORDANCE WITH INSTRUCTIONS LOCATED IN APPLICABLE PIH NOTICES**

## **PHA Plan Agency Identification**

**PHA Name:** Kauai County Housing Agency

**PHA Number:** HI 005

**PHA Fiscal Year Beginning: (mm/yyyy)**07/2000

### **Public Access to Information**

**Information regarding any activities outlined in this plan can be obtained by contacting: (select all that apply)**

- ☒ Main administrative office of the PHA
- ☐ PHA development management offices
- ☒ PHA local offices

### **Display Locations For PHA Plans and Supporting Documents**

The PHA Plans (including attachments) are available for public inspection at: (select all that apply)

- ☒ Main administrative office of the PHA
- ☐ PHA development management offices
- ☒ PHA local offices
- ☒ Main administrative office of the local government
- ☒ Main administrative office of the County government
- ☐ Main administrative office of the State government
- ☒ Public library
- ☐ PHA website
- ☐ Other (list below)

PHA Plan Supporting Documents are available for inspection at: (select all that apply)

- ☒ Main business office of the PHA
- ☐ PHA development management offices
- ☒ Other (list below)  
Public Library

**5-YEAR PLAN**  
**PHA FISCAL YEARS 2000 - 2004**  
[24 CFR Part 903.5]

**A. Mission**

State the PHA's mission for serving the needs of low-income, very low income, and extremely low-income families in the PHA's jurisdiction. (select one of the choices below)

- ☒ The mission of the PHA is the same as that of the Department of Housing and Urban Development: To promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination.
- ☐ The PHA's mission is: (state mission here)

**B. Goals**

The goals and objectives listed below are derived from HUD's strategic Goals and Objectives and those emphasized in recent legislation. PHAs may select any of these goals and objectives as their own, or identify other goals and/or objectives. Whether selecting the HUD-suggested objectives or their own, **PHAS ARE STRONGLY ENCOURAGED TO IDENTIFY QUANTIFIABLE MEASURES OF SUCCESS IN REACHING THEIR OBJECTIVES OVER THE COURSE OF THE 5 YEARS.** (Quantifiable measures would include targets such as: numbers of families served or PHAS scores achieved.) PHAs should identify these measures in the spaces to the right of or below the stated objectives.

**HUD Strategic Goal: Increase the availability of decent, safe, and affordable housing.**

- ☒ PHA Goal: Expand the supply of assisted housing  
Objectives:
- ☐ Apply for additional rental vouchers:
  - ☐ Reduce public housing vacancies:
  - ☐ Leverage private or other public funds to create additional housing opportunities:
  - ☐ Acquire or build units or developments
  - ☒ Other (list below)  
Increase supply of affordable rental units for extremely low, low, and moderate income families by 60 units. Increase supply of transitional housing by 1520 units. Rehabilitate existing affordable housing stock by 15 units.
- ☒ PHA Goal: Improve the quality of assisted housing  
Objectives:
- ☐ Improve public housing management: (PHAS score)
  - ☒ Improve voucher management: (SEMAP score) 90
  - ☒ Increase customer satisfaction:

Improve communication between staff and participants by training staff in communication techniques. Use projected images in addition to verbal explanations at all program briefings. Continue doing home visits for elderly and disabled applicants and participants.

- ☒ Concentrate on efforts to improve specific management functions:  
(list; e.g., public housing finance; voucher unit inspections)  
Increase quality control inspections for HQS. Conduct bi-monthly staff meetings to discuss problems and solutions.
- ☐ Renovate or modernize public housing units:
- ☐ Demolish or dispose of obsolete public housing:
- ☐ Provide replacement public housing:
- ☐ Provide replacement vouchers:
- ☒ Other: (list below)

Concentrate on efforts to improve specific management functions.

Improve reporting systems to improve analysis of program status and goals. Goal is to increase and maintain 100% lease up. Increase quality control inspections for HQS above and beyond HUD requirements.

- ☒ PHA Goal: Increase assisted housing choices

Objectives:

- ☒ Provide voucher mobility counseling:  
Housing counselors advise participants annually regarding portability feature of vouchers at briefings.
- ☒ Conduct outreach efforts to potential voucher landlords  
Conduct Fair Housing seminars and invite landlords. Distribute flyers to potential landlords. Use media to highlight program. Make annual presentations to community groups.
- ☒ Increase voucher payment standards  
Increase voucher payment standard from the current level of 82% to somewhere between 82% and 100% of current Fair Market Rent to allow participants greater flexibility in their housing search.
- ☐ Implement voucher homeownership program:
- ☐ Implement public housing or other homeownership programs:
- ☐ Implement public housing site-based waiting lists:
- ☐ Convert public housing to vouchers:
- ☐ Other: (list below)

### **HUD Strategic Goal: Improve community quality of life and economic vitality**

- ☐ PHA Goal: Provide an improved living environment

Objectives:

- ☐ Implement measures to deconcentrate poverty by bringing higher income public housing households into lower income developments:

- ☐ Implement measures to promote income mixing in public housing by assuring access for lower income families into higher income developments:
- ☐ Implement public housing security improvements:
- ☐ Designate developments or buildings for particular resident groups (elderly, persons with disabilities)
- ☐ Other: (list below)

**HUD Strategic Goal: Promote self-sufficiency and asset development of families and individuals**

☒ PHA Goal: Promote self-sufficiency and asset development of assisted households

Objectives:

- ☒ Increase the number and percentage of employed persons in assisted families:  
By allowing a local preference for extremely low income families who are involved in a "Training Program."
- ☒ Provide or attract supportive services to improve assistance recipients' employability:  
Continue FSS program currently in place. Maintain and strengthen relationships with other Human Service providers.
- ☐ Provide or attract supportive services to increase independence for the elderly or families with disabilities.
- ☐ Other: (list below)

**HUD Strategic Goal: Ensure Equal Opportunity in Housing for all Americans**

☒ PHA Goal: Ensure equal opportunity and affirmatively further fair housing

Objectives:

- ☒ Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion national origin, sex, familial status, and disability:  
Conduct fair housing seminars attended by staff and provided for community. Included in Seminar are landlord tenant code regulations. Additionally, advise all participants of equal housing opportunities without discrimination and provide participants with discrimination complaint forms and name of contact person at least annually at re certification briefings. Advertise public notices per HUD instructions.
- ☒ Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion national origin, sex, familial status, and disability:

Provide information to landlords about making units accessible to special needs families

- ☒ Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required:  
Work with other agencies to help resolve problem areas if they should arise.

- ☐ Other: (list below)

**Other PHA Goals and Objectives: (list below)**

**Annual PHA Plan**  
**PHA Fiscal Year 2000**  
[24 CFR Part 903.7]

**i. Annual Plan Type:**

Select which type of Annual Plan the PHA will submit.

☐ **Standard Plan**

**Streamlined Plan:**

- ☐ **High Performing PHA**  
☐ **Small Agency (<250 Public Housing Units)**  
☒ **Administering Section 8 Only**

☐ **Troubled Agency Plan**

**ii. Executive Summary of the Annual PHA Plan**

[24 CFR Part 903.7 9 (r)]

Provide a brief overview of the information in the Annual Plan, including highlights of major initiatives and discretionary policies the PHA has included in the Annual Plan.

**The Kauai County Annual Plan is a collaborative planning effort used to develop a strategic plan for housing and community development actions. The largest categories of housing need are for decent units affordable to extremely low income households earning below 30% of median income, very low income households earning below 50% of median income, and low income households earning 50-80% of median income.**

**The Housing Agency is committed to assisting these and other families through the Section 8 Rental Assistance Program. The housing agency is committed to improving all aspects of performance and service as will be seen in the initiatives taken in such areas as, policies on Eligibility, Selection and Admissions, Rent Determination Policies, Grievance Procedures, and Fair Housing Issues.**

**The Housing Agency is committed to the concept of welfare to work as can be seen in it's "local preference" given to families receiving welfare, qualifying at extremely low income and involved in a "training program." The Housing Agency is addressing rent determination policies to insure the largest possible pool of affordable rental units and is working diligently to get more landlords involved in the Section 8 Program. There is a commitment to insure customer satisfaction with emphasis on staff training to limit complaints to a**

**minimum and increase awareness regarding discriminatory behavior, speech, attitude, etc.**

### **iii. Annual Plan Table of Contents**

[24 CFR Part 903.7 9 (r)]

Provide a table of contents for the Annual Plan including attachments, and a list of supporting documents available for public inspection

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#### **Attachments**

Indicate which attachments are provided by selecting all that apply. Provide the attachment's name (A, B, etc.) in the space to the left of the name of the attachment. Note: If the attachment is provided as a **SEPARATE** file submission from the PHA Plans file, provide the file name in parentheses in the space to the right of the title.

#### **Required Attachments:**

- ☐ Admissions Policy for Deconcentration
- ☐ FY 2000 Capital Fund Program Annual Statement
- ☐ Most recent board-approved operating budget (Required Attachment for PHAs that are troubled or at risk of being designated troubled ONLY)

#### **Optional Attachments:**

- ☒ PHA Management Organizational Chart



- ☐ FY 2000 Capital Fund Program 5 Year Action Plan
- ☐ Public Housing Drug Elimination Program (PHDEP) Plan
- ☐ Comments of Resident Advisory Board or Boards (must be attached if not included in PHA Plan text)
- ☐ Other (List below, providing each attachment name)

### Supporting Documents Available for Review

Indicate which documents are available for public review by placing a mark in the “Applicable & On Display” column in the appropriate rows. All listed documents must be on display if applicable to the program activities conducted by the PHA.

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Applicable Plan Component
X	PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations	5 Year and Annual Plans
X	State/Local Government Certification of Consistency with the Consolidated Plan	5 Year and Annual Plans
X	Fair Housing Documentation: Records reflecting that the PHA has examined its programs or proposed programs, identified any impediments to fair housing choice in those programs, addressed or is addressing those impediments in a reasonable fashion in view of the resources available, and worked or is working with local jurisdictions to implement any of the jurisdictions’ initiatives to affirmatively further fair housing that require the PHA’s involvement.	5 Year and Annual Plans
X	Consolidated Plan for the jurisdiction/s in which the PHA is located (which includes the Analysis of Impediments to Fair Housing Choice (AI))) and any additional backup data to support statement of housing needs in the jurisdiction	Annual Plan: Housing Needs
	Most recent board-approved operating budget for the public housing program	Annual Plan: Financial Resources;
	Public Housing Admissions and (Continued) Occupancy Policy (A&O), which includes the Tenant Selection and Assignment Plan [TSAP]	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Section 8 Administrative Plan	Annual Plan: Eligibility, Selection, and Admissions Policies
	Public Housing Deconcentration and Income Mixing Documentation: 1. PHA board certifications of compliance with deconcentration requirements (section 16(a) of the US Housing Act of 1937, as implemented in the 2/18/99 <i>Quality Housing and Work Responsibility Act Initial Guidance; Notice</i> and any further HUD guidance) and 2. Documentation of the required deconcentration and income mixing analysis	Annual Plan: Eligibility, Selection, and Admissions Policies

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Applicable Plan Component</b>
	Public housing rent determination policies, including the methodology for setting public housing flat rents <input type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Rent Determination
	Schedule of flat rents offered at each public housing development <input type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Rent Determination
X	Section 8 rent determination (payment standard) policies <input checked="" type="checkbox"/> check here if included in Section 8 Administrative Plan	Annual Plan: Rent Determination
	Public housing management and maintenance policy documents, including policies for the prevention or eradication of pest infestation (including cockroach infestation)	Annual Plan: Operations and Maintenance
	Public housing grievance procedures <input type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Grievance Procedures
X	Section 8 informal review and hearing procedures <input checked="" type="checkbox"/> check here if included in Section 8 Administrative Plan	Annual Plan: Grievance Procedures
	The HUD-approved Capital Fund/Comprehensive Grant Program Annual Statement (HUD 52837) for the active grant year	Annual Plan: Capital Needs
	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grant	Annual Plan: Capital Needs
	Most recent, approved 5 Year Action Plan for the Capital Fund/Comprehensive Grant Program, if not included as an attachment (provided at PHA option)	Annual Plan: Capital Needs
	Approved HOPE VI applications or, if more recent, approved or submitted HOPE VI Revitalization Plans or any other approved proposal for development of public housing	Annual Plan: Capital Needs
	Approved or submitted applications for demolition and/or disposition of public housing	Annual Plan: Demolition and Disposition
	Approved or submitted applications for designation of public housing (Designated Housing Plans)	Annual Plan: Designation of Public Housing
	Approved or submitted assessments of reasonable revitalization of public housing and approved or submitted conversion plans prepared pursuant to section 202 of the 1996 HUD Appropriations Act	Annual Plan: Conversion of Public Housing
	Approved or submitted public housing homeownership programs/plans	Annual Plan: Homeownership
	Policies governing any Section 8 Homeownership program <input type="checkbox"/> check here if included in the Section 8 Administrative Plan	Annual Plan: Homeownership
X	Any cooperative agreement between the PHA and the TANF agency	Annual Plan: Community Service & Self-Sufficiency

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Applicable Plan Component</b>
X	FSS Action Plan/s for public housing and/or Section 8	Annual Plan: Community Service & Self-Sufficiency
	Most recent self-sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program reports	Annual Plan: Community Service & Self-Sufficiency
	The most recent Public Housing Drug Elimination Program (PHDEP) semi-annual performance report for any open grant and most recently submitted PHDEP application (PHDEP Plan)	Annual Plan: Safety and Crime Prevention
X	The most recent fiscal year audit of the PHA conducted under section 5(h)(2) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(h)), the results of that audit and the PHA's response to any findings	Annual Plan: Annual Audit
	Troubled PHAs: MOA/Recovery Plan	Troubled PHAs
	Other supporting documents (optional) (list individually; use as many lines as necessary)	(specify as needed)

## **1. Statement of Housing Needs**

[24 CFR Part 903.7 9 (a)]

### **A. Housing Needs of Families in the Jurisdiction/s Served by the PHA**

Based upon the information contained in the Consolidated Plan/s applicable to the jurisdiction, and/or other data available to the PHA, provide a statement of the housing needs in the jurisdiction by completing the following table. In the "Overall" Needs column, provide the estimated number of renter families that have housing needs. For the remaining characteristics, rate the impact of that factor on the housing needs for each family type, from 1 to 5, with 1 being "no impact" and 5 being "severe impact." Use N/A to indicate that no information is available upon which the PHA can make this assessment.

<b>Housing Needs of Families in the Jurisdiction by Family Type</b>							
<b>Family Type</b>	<b>Overall</b>	<b>Afford-ability</b>	<b>Supply</b>	<b>Quality</b>	<b>Access-ibility</b>	<b>Size</b>	<b>Loca-tion</b>
Income <= 30% of AMI	50	5	5	2	2	3	4
Income >30% but <=50% of AMI	50	5	5	2	1	3	4
Income >50% but <80% of AMI	60	4	5	2	1	3	4
Elderly	25	5	5	2	2	3	4
Families with Disabilities	2	5	5	2	3	3	5
White	65	5	5	2	1	3	1
Black	2	5	5	2	1	3	1

<b>Housing Needs of Families in the Jurisdiction by Family Type</b>							
Family Type	Overall	Afford- ability	Supply	Quality	Access- ibility	Size	Loca- tion
Asian/Pacific Islander	103	5	5	2	1	3	1
Native American/Alaskan	2	5	5	2	1	3	1
Hispanic	15	5	5	2	1	3	1

What sources of information did the PHA use to conduct this analysis? (Check all that apply; all materials must be made available for public inspection.)

- ☒ Consolidated Plan of the Jurisdiction/s  
Indicate year: 2001
- ☒ U.S. Census data: the Comprehensive Housing Affordability Strategy (“CHAS”) dataset
- ☐ American Housing Survey data  
Indicate year:
- ☒ Other housing market study  
Indicate year: 1997
- ☒ Other sources: (list and indicate year of information)  
Kauai County Housing Agency Section 8 Program Wait List. Year 2000.

## **B. Housing Needs of Families on the Public Housing and Section 8 Tenant- Based Assistance Waiting Lists**

State the housing needs of the families on the PHA’s waiting list/s **Complete one table for each type of PHA-wide waiting list administered by the PHA.** PHAs may provide separate tables for site-based or sub-jurisdictional public housing waiting lists at their option.

<b>Housing Needs of Families on the Waiting List</b>
--

Housing Needs of Families on the Waiting List			
Waiting list type: (select one)			
<input checked="" type="checkbox"/>	Section 8 tenant-based assistance		
<input type="checkbox"/>	Public Housing		
<input type="checkbox"/>	Combined Section 8 and Public Housing		
<input type="checkbox"/>	Public Housing Site-Based or sub-jurisdictional waiting list (optional)		
If used, identify which development/subjurisdiction			
	# of families	% of total families	Annual Turnover
Waiting list total	579		168
Extremely low income <=30% AMI	522	90%	
Very low income (>30% but <=50% AMI)	57	9.9%	
Low income (>50% but <80% AMI)	0	0	
Families with children	517	89%	
Elderly families	101	17.5%	
Families with Disabilities	39	6.8%	
White	218	35%	
Asian/Pacific Islander	343	55%	
Hispanic	47	8%	
Black	7	.1%	
Native American/Alaskan	11	.2%	
Characteristics by Bedroom Size (Public Housing Only)			
1BR			
2 BR			
3 BR			
4 BR			
5 BR			
5+ BR			

### Housing Needs of Families on the Waiting List

Is the waiting list closed (select one)? ☒ No ☐ Yes

If yes:

How long has it been closed (# of months)?

Does the PHA expect to reopen the list in the PHA Plan year? ☐ No ☐ Yes

Does the PHA permit specific categories of families onto the waiting list, even if generally closed? ☒ No ☐ Yes

### C. Strategy for Addressing Needs

Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list **IN THE UPCOMING YEAR**, and the Agency's reasons for choosing this strategy.

Affordable rental units have decreased and applicants and participants are having difficulty finding qualified units. To increase the housing opportunities for participants of the Section 8 Program, the Housing Agency's strategy is to do more frequent comparability analyses of current market rents in the hope that this will establish payment standards that will increase the families' ability to secure rental units. At present, our payment standards are at 82% of the current FMR.

This will also increase our lease-up.

Annual outreach efforts will be made to potential voucher landlords in the form of presentations to Social Service Provider Agencies, Realtors, Unions, and various community organizations. The agency may also prepare news articles on the benefits of renting to Section 8 Clients. The Housing Agency will increase efforts to more effectively educate applicants and participants about tenant responsibilities. The expected result is a reduction or elimination of lease violations and an increase in landlord participation in the program.

The Housing Agency will participate in the Consolidated Plan process to coordinate ideas and to reach mutual goals to benefit eligible families.

#### (1) Strategies

**Need: Shortage of affordable housing for all eligible populations**

**Strategy 1. Maximize the number of affordable units available to the PHA within its current resources by:**

Select all that apply

- ☐ Employ effective maintenance and management policies to minimize the number of public housing units off-line
- ☐ Reduce turnover time for vacated public housing units
- ☐ Reduce time to renovate public housing units
- ☐ Seek replacement of public housing units lost to the inventory through mixed finance development

- ☐ Seek replacement of public housing units lost to the inventory through section 8 replacement housing resources
- ☒ Maintain or increase section 8 lease-up rates by establishing payment standards that will enable families to rent throughout the jurisdiction
- ☐ Undertake measures to ensure access to affordable housing among families assisted by the PHA, regardless of unit size required
- ☒ Maintain or increase section 8 lease-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration
- ☒ Maintain or increase section 8 lease-up rates by effectively educating Section 8 applicants to increase owner acceptance of program
- ☒ Participate in the Consolidated Plan development process to ensure coordination with broader community strategies
- ☐ Other (list below)

**Strategy 2: Increase the number of affordable housing units by:**

Select all that apply

- ☐ Apply for additional section 8 units should they become available
- ☒ Leverage affordable housing resources in the community through the creation of mixed - finance housing
- ☒ Pursue housing resources other than public housing or Section 8 tenantbased assistance.
- ☐ Other: (list below)

**Need: Specific Family Types: Families at or below 30% of median**

**Strategy 1: Target available assistance to familiesat or below 30 % of AMI**

Select all that apply

- ☐ Exceed HUD federal targeting requirements for families at or below 30% of AMI in public housing
- ☒ Exceed HUD federal targeting requirements for families at or below 30% of AMI in tenant-based section 8 assistance
- ☐ Employ admissions preferences aimed at families with economic hardships
- ☐ Adopt rent policies to support and encourage work
- ☒ Other: (list below)

Local preference given to welfare recipients involved in a training program using HUD's definition of "training program."

**Need: Specific Family Types: Families at or below 50% of median**

**Strategy 1: Target available assistance tofamilies at or below 50% of AMI**

Select all that apply

- ☐ Employ admissions preferences aimed at families who are working
- ☐ Adopt rent policies to support and encourage work
- ☐ Other: (list below)

**Need: Specific Family Types: The Elderly**

**Strategy 1: Target available assistance to the elderly:**

Select all that apply

- ☐ Seek designation of public housing for the elderly
- ☐ Apply for special-purpose vouchers targeted to the elderly, should they become available
- ☐ Other: (list below)

**Need: Specific Family Types: Families with Disabilities**

**Strategy 1: Target available assistance to Families with Disabilities:**

Select all that apply

- ☐ Seek designation of public housing for families with disabilities
- ☐ Carry out the modifications needed in public housing based on the section 504 Needs Assessment for Public Housing
- ☐ Apply for special-purpose vouchers targeted to families with disabilities, should they become available
- ☐ Affirmatively market to local non-profit agencies that assist families with disabilities
- ☐ Other: (list below)

**Need: Specific Family Types: Races or ethnicities with disproportionate housing needs**

**Strategy 1: Increase awareness of PHA resources among families of races and ethnicities with disproportionate needs:**

Select if applicable

- ☐ Affirmatively market to races/ethnicities shown to have disproportionate housing needs
- ☐ Other: (list below)

**Strategy 2: Conduct activities to affirmatively further fair housing**

Select all that apply



- ☒ Counsel section 8 tenants as to location of units outside of areas of poverty or minority concentration and assist them to locate those units
- ☒ Market the section 8 program to owners outside of areas of poverty /minority concentrations
- ☐ Other: (list below)

**Other Housing Needs & Strategies: (list needs and strategies below)**

**(2) Reasons for Selecting Strategies**

Of the factors listed below, select all that influenced the PHA's selection of the strategies it will pursue:

- ☒ Funding constraints
- ☒ Staffing constraints
- ☒ Limited availability of sites for assisted housing
- ☒ Extent to which particular housing needs are met by other organizations in the community
- ☒ Evidence of housing needs as demonstrated in the Consolidated Plan and other information available to the PHA
- ☒ Influence of the housing market on PHA programs
- ☒ Community priorities regarding housing assistance
- ☒ Results of consultation with local or state government
- ☒ Results of consultation with residents and the Resident Advisory Board
- ☒ Results of consultation with advocacy groups
- ☐ Other: (list below)

**2. Statement of Financial Resources**

[24 CFR Part 903.7 9 (b)]

List the financial resources that are anticipated to be available to the PHA for the support of Federal public housing and tenant-based Section 8 assistance programs administered by the PHA during the Plan year. Note: the table assumes that Federal public housing or tenant based Section 8 assistance grant funds are expended on eligible purposes; therefore, uses of these funds need not be stated. For other funds, indicate the use for those funds as one of the following categories: public housing operations, public housing capital improvements, public housing safety/security, public housing supportive services, Section 8 tenant-based assistance, Section 8 supportive services or other.

<b>Financial Resources: Planned Sources and Uses</b>		
<b>Sources</b>	<b>Planned \$</b>	<b>Planned Uses</b>
<b>1. Federal Grants (FY 2000 grants)</b>		
a) Public Housing Operating Fund		
b) Public Housing Capital Fund		
c) HOPE VI Revitalization		

<b>Financial Resources: Planned Sources and Uses</b>		
<b>Sources</b>	<b>Planned \$</b>	<b>Planned Uses</b>
d) HOPE VI Demolition		
e) Annual Contributions for Section 8 Tenant-Based Assistance	\$6,472,397.00	
f) Public Housing Drug Elimination Program (including any Technical Assistance funds)		
g) Resident Opportunity and Self-Sufficiency Grants		
h) Community Development Block Grant		
i) HOME		
Other Federal Grants (list below)		
<b>2. Prior Year Federal Grants (unobligated funds only) (list below)</b>		
<b>3. Public Housing Dwelling Rental Income</b>		
<b>4. Other income (list below)</b>		
<b>4. Non-federal sources (list below)</b>		
<b>Total resources</b>	\$6,472,397.00	

### **3. PHA Policies Governing Eligibility, Selection, and Admissions**

[24 CFR Part 903.7 9 (c)]

## **A. Public Housing**

Exemptions: PHAs that do not administer public housing are not required to complete subcomponent 3A.

### **(1) Eligibility**

a. When does the PHA verify eligibility for admission to public housing? (select all that apply)

- ☐ When families are within a certain number of being offered a unit: (state number)
- ☐ When families are within a certain time of being offered a unit: (state time)
- ☐ Other: (describe)

b. Which non-income (screening) factors does the PHA use to establish eligibility for admission to public housing (select all that apply)?

- ☐ Criminal or Drug-related activity
- ☐ Rental history
- ☐ Housekeeping
- ☐ Other (describe)

c. ☐ Yes ☐ No: Does the PHA request criminal records from local law enforcement agencies for screening purposes?

d. ☐ Yes ☐ No: Does the PHA request criminal records from State law enforcement agencies for screening purposes?

e. ☐ Yes ☐ No: Does the PHA access FBI criminal records from the FBI for screening purposes? (either directly or through an NCIC authorized source)

### **(2) Waiting List Organization**

a. Which methods does the PHA plan to use to organize its public housing waiting list (select all that apply)

- ☐ Community-wide list
- ☐ Sub-jurisdictional lists
- ☐ Site-based waiting lists
- ☐ Other (describe)

b. Where may interested persons apply for admission to public housing?

- ☐ PHA main administrative office
- ☐ PHA development site management office
- ☐ Other (list below)

c. If the PHA plans to operate one or more site-based waiting lists in the coming year, answer each of the following questions; if not, skip to subsection **(3) Assignment**

1. How many site-based waiting lists will the PHA operate in the coming year?
2. ☐ Yes ☐ No: Are any or all of the PHA's site-based waiting lists new for the upcoming year (that is, they are not part of a previously HUD-approved site based waiting list plan)?  
If yes, how many lists?
3. ☐ Yes ☐ No: May families be on more than one list simultaneously  
If yes, how many lists?
4. Where can interested persons obtain more information about and sign up to be on the site-based waiting lists (select all that apply)?
  - ☐ PHA main administrative office
  - ☐ All PHA development management offices
  - ☐ Management offices at developments with site-based waiting lists
  - ☐ At the development to which they would like to apply
  - ☐ Other (list below)

### **(3) Assignment**

a. How many vacant unit choices are applicants ordinarily given before they fall to the bottom of or are removed from the waiting list? (select one)

- ☐ One
- ☐ Two
- ☐ Three or More

b. ☐ Yes ☐ No: Is this policy consistent across all waiting list types?

c. If answer to b is no, list variations for any other than the primary public housing waiting list/s for the PHA:

### **(4) Admissions Preferences**

a. Income targeting:

- ☐ Yes ☐ No: Does the PHA plan to exceed the federal targeting requirements by targeting more than 40% of all new admissions to public housing to families at or below 30% of median area income?

b. Transfer policies:

In what circumstances will transfers take precedence over new admissions? (list below)

- ☐ Emergencies
- ☐ Overhoused
- ☐ Underhoused
- ☐ Medical justification
- ☐ Administrative reasons determined by the PHA (e.g., to permit modernization work)
- ☐ Resident choice: (state circumstances below)
- ☐ Other: (list below)

c. Preferences

1. ☐ Yes ☐ No: Has the PHA established preferences for admission to public housing (other than date and time of application)? (If “no” is selected, skip to subsection **(5) Occupancy**)
2. Which of the following admission preferences does the PHA plan to employ in the coming year? (select all that apply from either former Federal preferences or other preferences)

Former Federal preferences:

- ☐ Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
- ☐ Victims of domestic violence
- ☐ Substandard housing
- ☐ Homelessness
- ☐ High rent burden (rent is > 50 percent of income)

Other preferences: (select below)

- ☐ Working families and those unable to work because of age or disability
- ☐ Veterans and veterans’ families
- ☐ Residents who live and/or work in the jurisdiction
- ☐ Those enrolled currently in educational, training, or upward mobility programs
- ☐ Households that contribute to meeting income goals (broad range of incomes)
- ☐ Households that contribute to meeting income requirements (targeting)
- ☐ Those previously enrolled in educational, training, or upward mobility programs
- ☐ Victims of reprisals or hate crimes
- ☐ Other preference(s) (list below)

3. If the PHA will employ admissions preferences, please prioritize by placing a “1” in the space that represents your first priority, a “2” in the box representing your second

priority, and so on. If you give equal weight to one or more of these choices (either through an absolute hierarchy or through a point system), place the same number next to each. That means you can use “1” more than once, “2” more than once, etc.

#### Date and Time

#### Former Federal preferences:

Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)  
Victims of domestic violence  
Substandard housing  
Homelessness  
High rent burden

#### Other preferences (select all that apply)

- ☐ Working families and those unable to work because of age or disability
- ☐ Veterans and veterans’ families
- ☐ Residents who live and/or work in the jurisdiction
- ☐ Those enrolled currently in educational, training, or upward mobility programs
- ☐ Households that contribute to meeting income goals (broad range of incomes)
- ☐ Households that contribute to meeting income requirements (targeting)
- ☐ Those previously enrolled in educational, training, or upward mobility programs
- ☐ Victims of reprisals or hate crimes
- ☐ Other preference(s) (list below)

#### 4. Relationship of preferences to income targeting requirements:

- ☐ The PHA applies preferences within income tiers
- ☐ Not applicable: the pool of applicant families ensures that the PHA will meet income targeting requirements

### **(5) Occupancy**

#### a. What reference materials can applicants and residents use to obtain information about the rules of occupancy of public housing (select all that apply)

- ☐ The PHA-resident lease
- ☐ The PHA’s Admissions and (Continued) Occupancy policy
- ☐ PHA briefing seminars or written materials
- ☐ Other source (list)

b. How often must residents notify the PHA of changes in family composition?  
(select all that apply)

- ☐ At an annual reexamination and lease renewal
- ☐ Any time family composition changes
- ☐ At family request for revision
- ☐ Other (list)

**(6) Deconcentration and Income Mixing**

a. ☐ Yes ☐ No: Did the PHA's analysis of its family (general occupancy) developments to determine concentrations of poverty indicate the need for measures to promote deconcentration of poverty or income mixing?

b. ☐ Yes ☐ No: Did the PHA adopt any changes to its **admissions policies** based on the results of the required analysis of the need to promote deconcentration of poverty or to assure income mixing?

c. If the answer to b was yes, what changes were adopted? (select all that apply)

- ☐ Adoption of site based waiting lists  
If selected, list targeted developments below:
- ☐ Employing waiting list "skipping" to achieve deconcentration of poverty or income mixing goals at targeted developments  
If selected, list targeted developments below:
- ☐ Employing new admission preferences at targeted developments  
If selected, list targeted developments below:
- ☐ Other (list policies and developments targeted below)

d. ☐ Yes ☐ No: Did the PHA adopt any changes to **other** policies based on the results of the required analysis of the need for deconcentration of poverty and income mixing?

e. If the answer to d was yes, how would you describe these changes? (select all that apply)

- ☐ Additional affirmative marketing
- ☐ Actions to improve the marketability of certain developments

- ☐ Adoption or adjustment of ceiling rents for certain developments
- ☐ Adoption of rent incentives to encourage deconcentration of poverty and income-mixing
- ☐ Other (list below)

f. Based on the results of the required analysis, in which developments will the PHA make special efforts to attract or retain higher-income families? (select all that apply)

- ☐ Not applicable: results of analysis did not indicate a need for such efforts
- ☐ List (any applicable) developments below:

g. Based on the results of the required analysis, in which developments will the PHA make special efforts to assure access for lower-income families? (select all that apply)

- ☐ Not applicable: results of analysis did not indicate a need for such efforts
- ☐ List (any applicable) developments below:

## B. Section 8

Exemptions: PHAs that do not administer section 8 are not required to complete subcomponent 3B.

**Unless otherwise specified, all questions in this section apply only to the tenant-based section 8 assistance program (vouchers, and until completely merged into the voucher program, certificates).**

### (1) Eligibility

a. What is the extent of screening conducted by the PHA? (select all that apply)

- ☐ Criminal or drug-related activity only to the extent required by law or regulation
- ☒ Criminal and drug-related activity, more extensively than required by law or regulation
- ☐ More general screening than criminal and drug-related activity (list factors below)
- ☐ Other (list below)

b. ☒ Yes ☐ No: Does the PHA request criminal records from local law enforcement agencies for screening purposes?

c. ☐ Yes ☒ No: Does the PHA request criminal records from State law enforcement agencies for screening purposes?

d. ☐ Yes ☒ No: Does the PHA access FBI criminal records from the FBI for screening purposes? (either directly or through an NCIC-authorized source)



e. Indicate what kinds of information you share with prospective landlords? (select all that apply)

- ☐ Criminal or drug-related activity  
☒ Other (describe below)  
Previous (2) landlord's name and phone numbers.

## **(2) Waiting List Organization**

a. With which of the following program waiting lists is the section 8 tenant-based assistance waiting list merged? (select all that apply)

- ☒ None  
☐ Federal public housing  
☐ Federal moderate rehabilitation  
☐ Federal project-based certificate program  
☐ Other federal or local program (list below)

b. Where may interested persons apply for admission to section 8 tenant-based assistance? (select all that apply)

- ☒ PHA main administrative office  
☒ Other (list below)  
Designated area on initial day of opening the wait list.

## **(3) Search Time**

a. ☒ Yes ☐ No: Does the PHA give extensions on standard 60-day period to search for a unit?

If yes, state circumstances below:

Upon submission of written request that applicant was unable to locate or secure a rental unit and a list of units where applicant was denied.

## **(4) Admissions Preferences**

a. Income targeting

- ☐ Yes ☒ No: Does the PHA plan to exceed the federal targeting requirements by targeting more than 75% of all new admissions to the section 8 program to families at or below 30% of median area income?

b. Preferences

1. ☒ Yes ☐ No: Has the PHA established preferences for admission to section 8 tenant-based assistance? (other than date and time of application) (if no, skip to subcomponent **(5) Special purpose section 8 assistance programs**)

2. Which of the following admission preferences does the PHA plan to employ in the coming year? (select all that apply from either former Federal preferences or other preferences)

Former Federal preferences

- ☐ Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
- ☐ Victims of domestic violence
- ☐ Substandard housing
- ☐ Homelessness
- ☐ High rent burden (rent is > 50 percent of income)

Other preferences (select all that apply)

- ☐ Working families and those unable to work because of age or disability
- ☐ Veterans and veterans' families
- ☐ Residents who live and/or work in your jurisdiction
- ☒ Those enrolled currently in educational, training, or upward mobility programs
- ☐ Households that contribute to meeting income goals (broad range of incomes)
- ☒ Households that contribute to meeting income requirements (targeting)
- ☒ Those previously enrolled in educational, training, or upward mobility programs
- ☐ Victims of reprisals or hate crimes
- ☒ Other preference(s) (list below)  
TANF recipients in training programs and families displaced due to unit being destroyed by fire, flood, etc.

3. If the PHA will employ admissions preferences, please prioritize by placing a "1" in the space that represents your first priority, a "2" in the box representing your second priority, and so on. If you give equal weight to one or more of these choices (either through an absolute hierarchy or through a point system), place the same number next to each. That means you can use "1" more than once, "2" more than once, etc.

3 Date and Time

Former Federal preferences

- Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
- Victims of domestic violence
- Substandard housing
- Homelessness
- High rent burden

Other preferences (select all that apply)

- ☐ Working families and those unable to work because of age or disability

- ☐ Veterans and veterans' families
- ☐ Residents who live and/or work in your jurisdiction
- 2 ☐ Those enrolled currently in educational, training, or upward mobility programs
- ☐ Households that contribute to meeting income goals (broad range of incomes)
- 1 ☐ Households that contribute to meeting income requirements (targeting)
- 2 ☐ Those previously enrolled in educational, training, or upward mobility programs
- ☐ Victims of reprisals or hate crimes
- ☒ Other preference(s) (list below)
  - (2) TANF recipient.
  - (1) Unit destroyed.
  - (2) Elderly or Disabled

4. Among applicants on the waiting list with equal preference status, how are applicants selected? (select one)

- ☒ Date and time of application
- ☐ Drawing (lottery) or other random choice technique

5. If the PHA plans to employ preferences for "residents who live and/or work in the jurisdiction" (select one)

- ☐ This preference has previously been reviewed and approved by HUD
- ☐ The PHA requests approval for this preference through this PHA Plan

6. Relationship of preferences to income targeting requirements: (select one)

- ☒ The PHA applies preferences within income tiers
- ☐ Not applicable: the pool of applicant families ensures that the PHA will meet income targeting requirements

#### **(5) Special Purpose Section 8 Assistance Programs**

a. In which documents or other reference materials are the policies governing eligibility, selection, and admissions to any special-purpose section 8 program administered by the PHA contained? (select all that apply)

- ☒ The Section 8 Administrative Plan
- ☒ Briefing sessions and written materials
- ☒ Other (list below)
  - Applications and Pamphlets.

b. How does the PHA announce the availability of any special-purpose section 8 programs to the public?

- ☒ Through published notices  
☒ Other (list below)  
Press releases; print media and radio.

#### **4. PHA Rent Determination Policies**

[24 CFR Part 903.7 9 (d)]

##### **A. Public Housing**

Exemptions: PHAs that do not administer public housing are not required to complete subcomponent 4A.

##### **(1) Income Based Rent Policies**

Describe the PHA's income based rent setting policy/ies for public housing using, including discretionary (that is, not required by statute or regulation) income disregards and exclusions, in the appropriate spaces below.

a. Use of discretionary policies: (select one)

- ☐ The PHA will not employ any discretionary rent-setting policies for income based rent in public housing. Income-based rents are set at the higher of 30% of adjusted monthly income, 10% of unadjusted monthly income, the welfare rent, or minimum rent (less HUD mandatory deductions and exclusions). (If selected, skip to sub-component (2))

---or---

- ☐ The PHA employs discretionary policies for determining income based rent (If selected, continue to question b.)

b. Minimum Rent

1. What amount best reflects the PHA's minimum rent? (select one)

- ☐ \$0  
☐ \$1-\$25  
☐ \$26-\$50

2. ☐ Yes ☐ No: Has the PHA adopted any discretionary minimum rent hardship exemption policies?

3. If yes to question 2, list these policies below:

c. Rents set at less than 30% than adjusted income

1. ☐ Yes ☐ No: Does the PHA plan to charge rents at a fixed amount or percentage less than 30% of adjusted income?
2. If yes to above, list the amounts or percentages charged and the circumstances under which these will be used below:

d. Which of the discretionary (optional) deductions and/or exclusions policies does the PHA plan to employ (select all that apply)

- ☐ For the earned income of a previously unemployed household member
- ☐ For increases in earned income
- ☐ Fixed amount (other than general rent-setting policy)

If yes, state amount/s and circumstances below:

- ☐ Fixed percentage (other than general rent-setting policy)  
If yes, state percentage/s and circumstances below:

- ☐ For household heads
- ☐ For other family members
- ☐ For transportation expenses
- ☐ For the non-reimbursed medical expenses of non-disabled or non-elderly families
- ☐ Other (describe below)

e. Ceiling rents

1. Do you have ceiling rents? (rents set at a level lower than 30% of adjusted income) (select one)

- ☐ Yes for all developments
- ☐ Yes but only for some developments
- ☐ No

2. For which kinds of developments are ceiling rents in place? (select all that apply)

- ☐ For all developments
- ☐ For all general occupancy developments (not elderly or disabled or elderly only)

- ☐ For specified general occupancy developments
- ☐ For certain parts of developments; e.g., the high-rise portion
- ☐ For certain size units; e.g., larger bedroom sizes
- ☐ Other (list below)

3. Select the space or spaces that best describe how you arrive at ceiling rents (select all that apply)

- ☐ Market comparability study
- ☐ Fair market rents (FMR)
- ☐ 95<sup>th</sup> percentile rents
- ☐ 75 percent of operating costs
- ☐ 100 percent of operating costs for general occupancy (family) developments
- ☐ Operating costs plus debt service
- ☐ The "rental value" of the unit
- ☐ Other (list below)

f. Rent re-determinations:

1. Between income reexaminations, how often must tenants report changes in income or family composition to the PHA such that the changes result in an adjustment to rent? (select all that apply)

- ☐ Never
- ☐ At family option
- ☐ Any time the family experiences an income increase
- ☐ Any time a family experiences an income increase above a threshold amount or percentage: (if selected, specify threshold)\_\_\_\_\_
- ☐ Other (list below)

g. ☐ Yes ☐ No: Does the PHA plan to implement individual savings accounts for residents (ISAs) as an alternative to the required 12 month disallowance of earned income and phasing in of rent increases in the next year?

## **(2) Flat Rents**

1. In setting the market-based flat rents, what sources of information did the PHA use to establish comparability? (select all that apply.)

- ☐ The section 8 rent reasonableness study of comparable housing
- ☐ Survey of rents listed in local newspaper

- ☐ Survey of similar unassisted units in the neighborhood
- ☐ Other (list/describe below)

## B. Section 8 Tenant-Based Assistance

Exemptions: PHAs that do not administer Section 8 tenant-based assistance are not required to complete sub-component 4B. **Unless otherwise specified, all questions in this section apply only to the tenant-based section 8 assistance program (vouchers, and until completely merged into the voucher program, certificates).**

### (1) Payment Standards

Describe the voucher payment standards and policies

a. What is the PHA's payment standard? (select the category that best describes your standard)

- ☒ At or above 90% but below 100% of FMR
- ☐ 100% of FMR
- ☐ Above 100% but at or below 110% of FMR
- ☐ Above 110% of FMR (if HUD approved; describe circumstances below)

b. If the payment standard is lower than FMR, why has the PHA selected this standard? (select all that apply)

- ☐ FMRs are adequate to ensure success among assisted families in the PHA's segment of the FMR area
- ☐ The PHA has chosen to serve additional families by lowering the payment standard
- ☒ Reflects market or submarket
- ☐ Other (list below)

c. If the payment standard is higher than FMR, why has the PHA chosen this level? (select all that apply)

- ☐ FMRs are not adequate to ensure success among assisted families in the PHA's segment of the FMR area
- ☐ Reflects market or submarket
- ☐ To increase housing options for families
- ☐ Other (list below)

d. How often are payment standards reevaluated for adequacy? (select one)

- ☐ Annually
- ☒ Other (list below)  
Semi-annually.

e. What factors will the PHA consider in its assessment of the adequacy of its payment standard? (select all that apply)

- ☒ Success rates of assisted families  
☒ Rent burdens of assisted families  
☒ Other (list below)  
Comparable rents.

## **(2) Minimum Rent**

a. What amount best reflects the PHA's minimum rent? (select one)

- ☐ \$0  
☒ \$1-\$25  
☐ \$26-\$50

b. ☐ Yes ☒ No: Has the PHA adopted any discretionary minimum rent hardship exemption policies? (if yes, list below)

## **5. Operations and Management**

[24 CFR Part 903.7 9 (e)]

Exemptions from Component 5: High performing and small PHAs are not required to complete this section. Section 8 only PHAs must complete parts A, B, and C(2)

### **A. PHA Management Structure**

Describe the PHA's management structure and organization.

(select one)

- ☒ An organization chart showing the PHA's management structure and organization is attached.  
☐ A brief description of the management structure and organization of the PHA follows:

### **B. HUD Programs Under PHA Management**

List Federal programs administered by the PHA, number of families served at the beginning of the upcoming fiscal year, and expected turnover in each. (Use "NA" to indicate that the PHA does not operate any of the programs listed below.)

Program Name	Units or Families Served at Year Beginning	Expected Turnover
Public Housing	N/A	N/A
Section 8 Vouchers	542	63
Section 8 Certificates	520	105



Section 8 Mod Rehab		
Special Purpose Section 8 Certificates/Vouchers (list individually)	N/A	N/A
Public Housing Drug Elimination Program (PHDEP)	N/A	N/A
Other Federal Programs(list individually)		

### C. Management and Maintenance Policies

List the PHA's public housing management and maintenance policy documents, manuals and handbooks that contain the Agency's rules, standards, and policies that govern maintenance and management of public housing, including a description of any measures necessary for the prevention or eradication of pest infestation (which includes cockroach infestation) and the policies governing Section 8 management.

- (1) Public Housing Maintenance and Management: (list below)

N/A

- (2) Section 8 Management: (list below)

The Kauai County Housing Agency "Administrative Plan."

## 6. PHA Grievance Procedures

[24 CFR Part 903.7 9 (f)]

Exemptions from component 6: Highperforming PHAs are not required to complete component 6. Section 8-Only PHAs are exempt from sub-component 6A.

### A. Public Housing

1. ☐ Yes ☐ No: Has the PHA established any written grievance procedures in addition to federal requirements found at 24 CFR Part 966, Subpart B, for residents of public housing?

If yes, list additions to federal requirements below:

2. Which PHA office should residents or applicants to public housing contact to initiate the PHA grievance process? (select all that apply)

- ☐ PHA main administrative office
- ☐ PHA development management offices
- ☐ Other (list below)

## **B. Section 8 Tenant-Based Assistance**

1. ☐ Yes ☒ No: Has the PHA established informal review procedures for applicants to the Section 8 tenant-based assistance program and informal hearing procedures for families assisted by the Section 8 tenant-based assistance program in addition to federal requirements found at 24 CFR 982?

If yes, list additions to federal requirements below:

2. Which PHA office should applicants or assisted families contact to initiate the informal review and informal hearing processes? (select all that apply)
- ☒ PHA main administrative office
  - ☐ Other (list below)

## **7. Capital Improvement Needs**

[24 CFR Part 903.7 9 (g)]

Exemptions from Component 7: Section 8 only PHAs are not required to complete this component and may skip to Component 8.

### **A. Capital Fund Activities**

Exemptions from sub-component 7A: PHAs that will not participate in the Capital Fund Program may skip to component 7B. All other PHAs must complete 7A as instructed.

### **(1) Capital Fund Program Annual Statement**

Using parts I, II, and III of the Annual Statement for the Capital Fund Program (CFP), identify capital activities the PHA is proposing for the upcoming year to ensure longterm physical and social viability of its public housing developments. This statement can be completed by using the CFP Annual Statement tables provided in the table library at the end of the PHA Plan template **OR**, at the PHA's option, by completing and attaching a properly updated HUD-52837.

Select one:

- ☐ The Capital Fund Program Annual Statement is provided as an attachment to the PHA Plan at Attachment (state name)

-or-

- ☐ The Capital Fund Program Annual Statement is provided below: (if selected, copy the CFP Annual Statement from the Table Library and insert here)

## **(2) Optional 5-Year Action Plan**

Agencies are encouraged to include a 5-Year Action Plan covering capital work items. This statement can be completed by using the 5 Year Action Plan table provided in the table library at the end of the PHA Plan template **OR** by completing and attaching a properly updated HUD-52834.

- a. ☐ Yes ☐ No: Is the PHA providing an optional 5-Year Action Plan for the Capital Fund? (if no, skip to sub-component 7B)
- b. If yes to question a, select one:
- ☐ The Capital Fund Program 5-Year Action Plan is provided as an attachment to the PHA Plan at Attachment (state name
- or-
- ☐ The Capital Fund Program 5-Year Action Plan is provided below: (if selected, copy the CFP optional 5 Year Action Plan from the Table Library and insert here)

## **B. HOPE VI and Public Housing Development and Replacement Activities (Non-Capital Fund)**

Applicability of sub-component 7B: All PHAs administering public housing. Identify any approved HOPE VI and/or public housing development or replacement activities not described in the Capital Fund Program Annual Statement.

- ☐ Yes ☐ No: a) Has the PHA received a HOPE VI revitalization grant? (if no, skip to question c; if yes, provide responses to question b for each grant, copying and completing as many times as necessary)
- b) Status of HOPE VI revitalization grant (complete one set of questions for each grant)
1. Development name:
  2. Development (project) number:
  3. Status of grant: (select the statement that best describes the current status)
    - ☐ Revitalization Plan under development
    - ☐ Revitalization Plan submitted, pending approval
    - ☐ Revitalization Plan approved

☐ Activities pursuant to an approved Revitalization Plan underway

☐ Yes ☐ No: c) Does the PHA plan to apply for a HOPE VI Revitalization grant in the Plan year?  
If yes, list development name/s below:

☐ Yes ☐ No: d) Will the PHA be engaging in any mixed-finance development activities for public housing in the Plan year?  
If yes, list developments or activities below:

☐ Yes ☐ No: e) Will the PHA be conducting any other public housing development or replacement activities not discussed in the Capital Fund Program Annual Statement?  
If yes, list developments or activities below:

## **8. Demolition and Disposition**

[24 CFR Part 903.7 9 (h)]

Applicability of component 8: Section 8 only PHAs are not required to complete this section.

1. ☐ Yes ☐ No: Does the PHA plan to conduct any demolition or disposition activities (pursuant to section 18 of the U.S. Housing Act of 1937 (42 U.S.C. 1437p)) in the plan Fiscal Year? (If “No”, skip to component 9; if “yes”, complete one activity description for each development.)

### 2. Activity Description

☐ Yes ☐ No: Has the PHA provided the activities description information in the **optional** Public Housing Asset Management Table? (If “yes”, skip to component 9. If “No”, complete the Activity Description table below.)

<b>Demolition/Disposition Activity Description</b>
1a. Development name:
1b. Development (project) number:
2. Activity type: Demolition <input type="checkbox"/> Disposition <input type="checkbox"/>
3. Application status (select one) Approved <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>

4. Date application approved, submitted, or planned for submission: <u>(DD/MM/YY)</u>
5. Number of units affected:
6. Coverage of action (select one)
<input type="checkbox"/> Part of the development
<input type="checkbox"/> Total development
7. Timeline for activity:
a. Actual or projected start date of activity:
b. Projected end date of activity:

## **9. Designation of Public Housing for Occupancy by Elderly Families or Families with Disabilities or Elderly Families and Families with Disabilities**

[24 CFR Part 903.7 9 (i)]

Exemptions from Component 9; Section 8 only PHAs are not required to complete this section.

1. ☐ Yes ☐ No: Has the PHA designated or applied for approval to designate or does the PHA plan to apply to designate any public housing for occupancy only by the elderly families or only by families with disabilities, or by elderly families and families with disabilities or will apply for designation for occupancy by only elderly families or only families with disabilities, or by elderly families and families with disabilities as provided by section 7 of the U.S. Housing Act of 1937 (42 U.S.C. 1437e) in the upcoming fiscal year? (If “No”, skip to component 10. If “yes”, complete one activity description for each development, unless the PHA is eligible to complete a streamlined submission; PHAs completing streamlined submissions may skip to component 10.)

### 2. Activity Description

- ☐ Yes ☐ No: Has the PHA provided all required activity description information for this component in the **optional** Public Housing Asset Management Table? If “yes”, skip to component 10. If “No”, complete the Activity Description table below

<b>Designation of Public Housing Activity Description</b>
1a. Development name:
1b. Development (project) number:
2. Designation type:
Occupancy by only the elderly <input type="checkbox"/>
Occupancy by families with disabilities <input type="checkbox"/>
Occupancy by only elderly families and families with disabilities <input type="checkbox"/>

3. Application status (select one) Approved; included in the PHA's Designation Plan <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>
4. Date this designation approved, submitted, or planned for submission: (DD/MM/YY)
5. If approved, will this designation constitute a (select one) <input type="checkbox"/> New Designation Plan <input type="checkbox"/> Revision of a previously-approved Designation Plan?
6. Number of units affected: 7. Coverage of action (select one) <input type="checkbox"/> Part of the development <input type="checkbox"/> Total development

## **10. Conversion of Public Housing to Tenant-Based Assistance**

[24 CFR Part 903.7 9 (j)]

Exemptions from Component 10; Section 8 only PHAs are not required to complete this section.

### **A. Assessments of Reasonable Revitalization Pursuant to section 202 of the HUD FY 1996 HUD Appropriations Act**

1. ☐ Yes ☐ No: Have any of the PHA's developments or portions of developments been identified by HUD or the PHA as covered under section 202 of the HUD FY 1996 HUD Appropriations Act? (If "No", skip to component 11; if "yes", complete one activity description for each identified development, unless eligible to complete a streamlined submission. PHAs completing streamlined submissions may skip to component 11.)

#### 2. Activity Description

- ☐ Yes ☐ No: Has the PHA provided all required activity description information for this component in the **optional** Public Housing Asset Management Table? If "yes", skip to component 11. If "No", complete the Activity Description table below.

<b>Conversion of Public Housing Activity Description</b>
1a. Development name:
1b. Development (project) number:
2. What is the status of the required assessment? <input type="checkbox"/> Assessment underway <input type="checkbox"/> Assessment results submitted to HUD <input type="checkbox"/> Assessment results approved by HUD (if marked, proceed to next)

<p>question)</p> <p><input type="checkbox"/> Other (explain below)</p>
<p>3. <input type="checkbox"/> Yes <input type="checkbox"/> No: Is a Conversion Plan required? (If yes, go to block 4; if no, go to block 5.)</p>
<p>4. Status of Conversion Plan (select the statement that best describes the current status)</p> <p><input type="checkbox"/> Conversion Plan in development</p> <p><input type="checkbox"/> Conversion Plan submitted to HUD on: (DD/MM/YYYY)</p> <p><input type="checkbox"/> Conversion Plan approved by HUD on: (DD/MM/YYYY)</p> <p><input type="checkbox"/> Activities pursuant to HUD-approved Conversion Plan underway</p>
<p>5. Description of how requirements of Section 202 are being satisfied by means other than conversion (select one)</p> <p><input type="checkbox"/> Units addressed in a pending or approved demolition application (date submitted or approved: _____)</p> <p><input type="checkbox"/> Units addressed in a pending or approved HOPE VI demolition application (date submitted or approved: _____)</p> <p><input type="checkbox"/> Units addressed in a pending or approved HOPE VI Revitalization Plan (date submitted or approved: _____)</p> <p><input type="checkbox"/> Requirements no longer applicable: vacancy rates are less than 10 percent</p> <p><input type="checkbox"/> Requirements no longer applicable: site now has less than 300 units</p> <p><input type="checkbox"/> Other: (describe below)</p>

**B. Reserved for Conversions pursuant to Section 22 of the U.S. Housing Act of 1937**

**C. Reserved for Conversions pursuant to Section 33 of the U.S. Housing Act of 1937**

**11. Homeownership Programs Administered by the PHA**

[24 CFR Part 903.7 9 (k)]

**A. Public Housing**

Exemptions from Component 11A: Section 8 only PHAs are not required to complete 11A.

1. ☐ Yes ☐ No: Does the PHA administer any homeownership programs administered by the PHA under an approved section 5(h) homeownership program (42 U.S.C. 1437c(h)), or an approved HOPE I program (42 U.S.C. 1437aaa) or has the PHA applied or plan to apply to administer any homeownership programs under section 5(h), the HOPE I program, or section 32 of the U.S. Housing Act of 1937 (42 U.S.C. 1437z-4). (If “No”, skip to component 11B; if “yes”, complete one activity description for each applicable program/plan, unless eligible to complete a streamlined submission due to **small PHA** or **high performing PHA** status. PHAs completing streamlined submissions may skip to component 11B.)

2. Activity Description

- ☐ Yes ☐ No: Has the PHA provided all required activity description information for this component in the **optional** Public Housing Asset Management Table? (If “yes”, skip to component 12. If “No”, complete the Activity Description table below.)

<b>Public Housing Homeownership Activity Description (Complete one for each development affected)</b>
1a. Development name: 1b. Development (project) number:
2. Federal Program authority: <input type="checkbox"/> HOPE I <input type="checkbox"/> 5(h) <input type="checkbox"/> Turnkey III <input type="checkbox"/> Section 32 of the USHA of 1937 (effective 10/1/99)
3. Application status: (select one) <input type="checkbox"/> Approved; included in the PHA’s Homeownership Plan/Program <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application
4. Date Homeownership Plan/Program approved, submitted, or planned for submission: (DD/MM/YYYY)
5. Number of units affected: 6. Coverage of action: (select one) <input type="checkbox"/> Part of the development <input type="checkbox"/> Total development

## B. Section 8 Tenant Based Assistance



1. ☐ Yes ☒ No: Does the PHA plan to administer a Section 8 Homeownership program pursuant to Section 8(y) of the U.S.H.A. of 1937, as implemented by 24 CFR part 982 ? (If “No”, skip to component 12; if “yes”, describe each program using the table below (copy and complete questions for each program identified), unless the PHA is eligible to complete a streamlined submission due to high performer status. **High performing PHAs** may skip to component 12.)

2. Program Description:  
N/A

a. Size of Program

- ☐ Yes ☐ No: Will the PHA limit the number of families participating in the section 8 homeownership option?

If the answer to the question above was yes, which statement best describes the number of participants? (select one)

- ☐ 25 or fewer participants  
☐ 26 - 50 participants  
☐ 51 to 100 participants  
☐ more than 100 participants

b. PHA-established eligibility criteria

- ☐ Yes ☐ No: Will the PHA’s program have eligibility criteria for participation in its Section 8 Homeownership Option program in addition to HUD criteria?

If yes, list criteria below:

## **12. PHA Community Service and Selfsufficiency Programs**

[24 CFR Part 903.7 9 (l)]

Exemptions from Component 12: High performing and small PHAs are not required to complete this component. Section 8-Only PHAs are not required to complete sub-component C.

### **A. PHA Coordination with the Welfare (TANF) Agency**

1. Cooperative agreements:

- ☒ Yes ☐ No: Has the PHA has entered into a cooperative agreement with the TANF Agency, to share information and/or target supportive services (as contemplated by section 12(d)(7) of the Housing Act of 1937)?

If yes, what was the date that agreement was signed? 04/09/99

2. Other coordination efforts between the PHA and TANF agency (select all that apply)

- ☒ Client referrals
- ☒ Information sharing regarding mutual clients (for rent determinations and otherwise)
- ☒ Coordinate the provision of specific social and self-sufficiency services and programs to eligible families
- ☐ Jointly administer programs
- ☒ Partner to administer a HUD Welfare-to-Work voucher program
- ☐ Joint administration of other demonstration program
- ☐ Other (describe)

**B. Services and programs offered to residents and participants**

**(1) General**

a. Self-Sufficiency Policies

Which, if any of the following discretionary policies will the PHA employ to enhance the economic and social self-sufficiency of assisted families in the following areas? (select all that apply)

- ☐ Public housing rent determination policies
- ☐ Public housing admissions policies
- ☒ Section 8 admissions policies
- ☐ Preference in admission to section 8 for certain public housing families
- ☐ Preferences for families working or engaging in training or education programs for non-housing programs operated or coordinated by the PHA
- ☐ Preference/eligibility for public housing homeownership option participation
- ☐ Preference/eligibility for section 8 homeownership option participation
- ☐ Other policies (list below)

b. Economic and Social self-sufficiency programs

- ☒ Yes ☐ No: Does the PHA coordinate, promote or provide any programs to enhance the economic and social self-sufficiency of residents? (If "yes", complete the following table; if "no" skip to sub-component 2, Family Self-Sufficiency Programs. The position of the table may be altered to facilitate its use. )

<b>Services and Programs</b>				
Program Name & Description (including location, if appropriate)	Estimated Size	Allocation Method (waiting list/random selection/specific criteria/other)	Access (development office / PHA main office / other provider name)	Eligibility (public housing or section 8 participants or both)
<i>Family Self-sufficiency Program</i>	75	<i>Wait List</i>	<i>PHA Main Office</i>	<i>Section 8</i>
<i>Employment and Training Services</i>	N/A	<i>Wait List</i>	<i>Network Enterprises, Inc.</i>	<i>Income Eligibility</i>
<i>Kauai Community School for Adults - Adult ed, GED</i>	N/A	<i>Register for Classes</i>	<i>Kauai Community School for Adults</i>	<i>Open enrollment</i>
<i>Adult Education and Youth Programs</i>	N/A	<i>Register for Classes</i>	<i>Kauai Community College</i>	<i>Open enrollment</i>
<i>Little Steps to Big Success</i>	N/A	<i>Register for Classes</i>	<i>Kauai Economic Opportunity</i>	<i>Income Eligibility</i>
<i>Employment Services</i>	N/A	<i>N/A</i>	<i>State of HI Workforce Development Division</i>	<i>Open</i>
<i>Rehabilitation Services</i>	N/A	<i>Specific Criteria</i>	<i>Vocational Rehabilitation</i>	<i>Need based</i>

## **(2) Family Self Sufficiency program/s**

### **a. Participation Description**

<b>Family Self Sufficiency (FSS) Participation</b>		
Program	Required Number of Participants (start of FY 2000 Estimate)	Actual Number of Participants (As of: DD/MM/YY)
Public Housing		
Section 8	16	73 As of 03/31/00

- b. ☒ Yes ☐ No: If the PHA is not maintaining the minimum program size required by HUD, does the most recent FSS Action Plan address the steps the PHA plans to take to achieve at least the minimum program size?  
If no, list steps the PHA will take below:

## **C. Welfare Benefit Reductions**

1. The PHA is complying with the statutory requirements of section 12(d) of the U.S. Housing Act of 1937 (relating to the treatment of income changes resulting from welfare program requirements) by: (select all that apply)

- ☐ Adopting appropriate changes to the PHA's public housing rent determination policies and train staff to carry out those policies
- ☐ Informing residents of new policy on admission and reexamination
- ☐ Actively notifying residents of new policy at times in addition to admission and reexamination.
- ☐ Establishing or pursuing a cooperative agreement with all appropriate TANF agencies regarding the exchange of information and coordination of services
- ☐ Establishing a protocol for exchange of information with all appropriate TANF agencies
- ☐ Other: (list below)

**D. Reserved for Community Service Requirement pursuant to section 12(c) of the U.S. Housing Act of 1937**

**13. PHA Safety and Crime Prevention Measures**

[24 CFR Part 903.7 9 (m)]

Exemptions from Component 13: High performing and small PHAs not participating in PHDEP and Section 8 Only PHAs may skip to component 15. High Performing and small PHAs that are participating in PHDEP and are submitting a PHDEP Plan with this PHA Plan may skip to sub component D.

**A. Need for measures to ensure the safety of public housing residents**

1. Describe the need for measures to ensure the safety of public housing residents (select all that apply)

- ☐ High incidence of violent and/or drug-related crime in some or all of the PHA's developments
- ☐ High incidence of violent and/or drug-related crime in the areas surrounding or adjacent to the PHA's developments
- ☐ Residents fearful for their safety and/or the safety of their children
- ☐ Observed lower-level crime, vandalism and/or graffiti
- ☐ People on waiting list unwilling to move into one or more developments due to perceived and/or actual levels of violent and/or drug-related crime
- ☐ Other (describe below)

2. What information or data did the PHA use to determine the need for PHA actions to improve safety of residents (select all that apply).

- ☐ Safety and security survey of residents

- ☐ Analysis of crime statistics over time for crimes committed “in and around” public housing authority
- ☐ Analysis of cost trends over time for repair of vandalism and removal of graffiti
- ☐ Resident reports
- ☐ PHA employee reports
- ☐ Police reports
- ☐ Demonstrable, quantifiable success with previous or ongoing anticrime/anti drug programs
- ☐ Other (describe below)

3. Which developments are most affected? (list below)

**B. Crime and Drug Prevention activities the PHA has undertaken or plans to undertake in the next PHA fiscal year**

1. List the crime prevention activities the PHA has undertaken or plans to undertake: (select all that apply)

- ☐ Contracting with outside and/or resident organizations for the provision of crime- and/or drug-prevention activities
- ☐ Crime Prevention Through Environmental Design
- ☐ Activities targeted to at-risk youth, adults, or seniors
- ☐ Volunteer Resident Patrol/Block Watchers Program
- ☐ Other (describe below)

2. Which developments are most affected? (list below)

**C. Coordination between PHA and the police**

1. Describe the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities: (select all that apply)

- ☐ Police involvement in development, implementation, and/or ongoing evaluation of drug-elimination plan
- ☐ Police provide crime data to housing authority staff for analysis and action
- ☐ Police have established a physical presence on housing authority property (e.g., community policing office, officer in residence)
- ☐ Police regularly testify in and otherwise support eviction cases
- ☐ Police regularly meet with the PHA management and residents
- ☐ Agreement between PHA and local law enforcement agency for provision of above-baseline law enforcement services
- ☐ Other activities (list below)

2. Which developments are most affected? (list below)

**D. Additional information as required by PHDEP/PHDEPPlan**

PHAs eligible for FY 2000 PHDEP funds must provide a PHDEP Plan meeting specified requirements prior to receipt of PHDEP funds.

- ☐ Yes ☐ No: Is the PHA eligible to participate in the PHDEP in the fiscal year covered by this PHA Plan?
- ☐ Yes ☐ No: Has the PHA included the PHDEP Plan for FY 2000 in this PHA Plan?
- ☐ Yes ☐ No: This PHDEP Plan is an Attachment. (Attachment Filename: \_\_\_\_)

**14. RESERVED FOR PET POLICY**

[24 CFR Part 903.7 9 (n)]

**15. Civil Rights Certifications**

[24 CFR Part 903.7 9 (o)]

Civil rights certifications are included in the PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations.

**16. Fiscal Audit**

[24 CFR Part 903.7 9 (p)]

1. ☒ Yes ☐ No: Is the PHA required to have an audit conducted under section 5(h)(2) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(h))?  
(If no, skip to component 17.)
2. ☒ Yes ☐ No: Was the most recent fiscal audit submitted to HUD?
3. ☒ Yes ☐ No: Were there any findings as the result of that audit?
4. ☐ Yes ☒ No: If there were any findings, do any remain unresolved?  
If yes, how many unresolved findings remain? \_\_\_\_
5. ☐ Yes ☒ No: Have responses to any unresolved findings been submitted to HUD?  
If not, when are they due (state below)?  
There are no unresolved findings

**17. PHA Asset Management**

[24 CFR Part 903.7 9 (q)]

Exemptions from component 17: Section 8 Only PHAs are not required to complete this component. High performing and small PHAs are not required to complete this component.

1. ☐ Yes ☐ No: Is the PHA engaging in any activities that will contribute to the long-term asset management of its public housing stock , including how the Agency will plan for long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs that have **not** been addressed elsewhere in this PHA Plan?
2. What types of asset management activities will the PHA undertake? (select all that apply)
- ☐ Not applicable
- ☐ Private management
- ☐ Development-based accounting
- ☐ Comprehensive stock assessment
- ☐ Other: (list below)
3. ☐ Yes ☐ No: Has the PHA included descriptions of asset management activities in the **optional** Public Housing Asset Management Table?

## **18. Other Information**

[24 CFR Part 903.7 9 (r)]

### **A. Resident Advisory Board Recommendations**

1. ☒ Yes ☐ No: Did the PHA receive any comments on the PHA Plan from the Resident Advisory Board/s?
2. If yes, the comments are: (if comments were received, the PHA **MUST** select one)
- ☐ Attached at Attachment (File name)
- ☒ Provided below:
1. In developing future priority preferences for the plan we would like disabled and elderly to be targeted as the first priority.
  2. Outreach program to landlords needs to be expanded by increased presence of HUD Section 8 personnel in the community.
3. In what manner did the PHA address those comments? (select all that apply)
- ☐ Considered comments, but determined that no changes to the PHA Plan were necessary.
- ☒ The PHA changed portions of the PHA Plan in response to comments
- List changes below:
- Regarding #1 above: The administrative rules will be changed to reflect a local preference for elderly and disabled people.

Regarding #2 above: The agency will make presentations and provide workshops for potential Landlords, Social Service Agencies, Realtors, Unions, and various community organizations.

☐ Other: (list below)

## **B. Description of Election process for Residents on the PHA Board**

1. ☐ Yes ☒ No: Does the PHA meet the exemption criteria provided section 2(b)(2) of the U.S. Housing Act of 1937? (If no, continue to question 2; if yes, skip to sub-component C.)
2. ☐ Yes ☒ No: Was the resident who serves on the PHA Board elected by the residents? (If yes, continue to question 3; if no, skip to sub-component C.)

### **3. Description of Resident Election Process**

#### **a. Nomination of candidates for place on the ballot: (select all that apply)**

- ☐ Candidates were nominated by resident and assisted family organizations
- ☐ Candidates could be nominated by any adult recipient of PHA assistance
- ☐ Self-nomination: Candidates registered with the PHA and requested a place on ballot
- ☐ Other: (describe)

#### **b. Eligible candidates: (select one)**

- ☐ Any recipient of PHA assistance
- ☐ Any head of household receiving PHA assistance
- ☐ Any adult recipient of PHA assistance
- ☐ Any adult member of a resident or assisted family organization
- ☐ Other (list)

#### **c. Eligible voters: (select all that apply)**

- ☐ All adult recipients of PHA assistance (public housing and section 8 tenant based assistance)
- ☐ Representatives of all PHA resident and assisted family organizations
- ☐ Other (list)

## **C. Statement of Consistency with the Consolidated Plan**

For each applicable Consolidated Plan, make the following statement (copy questions as many times as necessary).

1. Consolidated Plan jurisdiction: (provide name here) County of Kauai, HI.



2. The PHA has taken the following steps to ensure consistency of this PHA Plan with the Consolidated Plan for the jurisdiction: (select all that apply)

- ☒ The PHA has based its statement of needs of families in the jurisdiction on the needs expressed in the Consolidated Plan/s.
- ☒ The PHA has participated in any consultation process organized and offered by the Consolidated Plan agency in the development of the Consolidated Plan.
- ☒ The PHA has consulted with the Consolidated Plan agency during the development of this PHA Plan.
- ☐ Activities to be undertaken by the PHA in the coming year are consistent with the initiatives contained in the Consolidated Plan. (list below)
- ☐ Other: (list below)

3. The Consolidated Plan of the jurisdiction supports the PHA Plan with the following actions and commitments: (describe below)

The County of Kauai has designated the following objectives in meeting high and medium priority housing needs over the next five-year period:

- \* Increase the available stock of long-term affordable rental units for larger families (4 or more persons), particularly those with incomes at or below 30% of median income;
- \* Increase the available stock of affordable rental units for smaller families (24 persons), particularly those with incomes below 50% of median income;
- \* Increase the available stock of affordable rental units for elderly persons, particularly those with incomes below 50% of median;
- \* Support opportunities to first-time homebuyers through self-help housing and homebuyer loan programs, particularly those with incomes between 51-80% of median income.

The Consolidated Plan also supports extremely-low, low and moderate income households by increasing the supply of long-term affordable rental units by developing new housing inventory and preserving existing rental housing stock through rehabilitation.

The supply of new rental housing is expected to increase by at least 180 rental units with a high percentage of 3-bedroom units affordable to larger families in the extremely-low and low income groups. It is expected that at least 60 units will be produced within the next 2-3 years and another 120 within the next 4-5 years. The County will support applications from eligible nonprofits and other entities that propose to construct rental housing and/or preserve existing affordable rental housing stock through rehabilitation activities. The County will support owner

rehabilitation by providing low-interest loans to an estimated 3 to 4 families each year. The County may also apply for federal funding to complete buildout of rental housing at existing properties. As appropriate, the County Housing Agency will negotiate with private developers seeking land use approvals that are subject to affordable housing conditions, to promote the production of rental housing for the targeted income groups.

#### **D. Other Information Required by HUD**

Use this section to provide any additional information requested by HUD.

## **Attachments**

Use this section to provide any additional attachments referenced in the Plans.

- Attachment A:     **PHA Certifications of Compliance with the  
PHA Plans and Related Regulations Board  
Resolution to Accompany the PHA Plan**
- Attachment B:     **Certification by State or Local Official of  
PHA Plans Consistency with the  
Consolidated Plan**
- Attachment C:     **Certification of Cooperation and  
Coordination with TANF Agency**
- Attachment D:     **The Kauai County Housing Agency  
Administrative Plan**
- Attachment E:     **County of Kauai, Office of the Mayor  
Organizational Table 1999-Effective  
July 1, 1999**

# PHA Plan Table Library

## Component 7 Capital Fund Program Annual Statement Parts I, II, and II

### Annual Statement Capital Fund Program (CFP) Part I: Summary

Capital Fund Grant Number      FFY of Grant Approval: (MM/YYYY)

☐ Original Annual Statement

Line No.	Summary by Development Account	Total Estimated Cost
1	Total Non-CGP Funds	
2	1406 Operations	
3	1408 Management Improvements	
4	1410 Administration	
5	1411 Audit	
6	1415 Liquidated Damages	
7	1430 Fees and Costs	
8	1440 Site Acquisition	
9	1450 Site Improvement	
10	1460 Dwelling Structures	
11	1465.1 Dwelling Equipment-Nonexpendable	
12	1470 Nondwelling Structures	
13	1475 Nondwelling Equipment	
14	1485 Demolition	
15	1490 Replacement Reserve	
16	1492 Moving to Work Demonstration	
17	1495.1 Relocation Costs	
18	1498 Mod Used for Development	
19	1502 Contingency	
20	<b>Amount of Annual Grant (Sum of lines 2-19)</b>	
21	Amount of line 20 Related to LBP Activities	
22	Amount of line 20 Related to Section 504 Compliance	
23	Amount of line 20 Related to Security	
24	Amount of line 20 Related to Energy Conservation Measures	

**Annual Statement**  
**Capital Fund Program (CFP) Part II: Supporting Table**

Development Number/Name HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Total Estimated Cost

**Annual Statement**

**Capital Fund Program (CFP) Part III: Implementation Schedule**

Development Number/Name HA-Wide Activities	All Funds Obligated (Quarter Ending Date)	All Funds Expended (Quarter Ending Date)

## Optional Table for 5-Year Action Plan for Capital Fund (Component 7)

Complete one table for each development in which work is planned in the next 5 PHA fiscal years. Complete a table for any PHA-wide physical or management improvements planned in the next 5 PHA fiscal year. Copy this table as many times as necessary. Note: PHAs need not include information from Year One of the 5-Year cycle, because this information is included in the Capital Fund Program Annual Statement.

Optional 5-Year Action Plan Tables				
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development	
Description of Needed Physical Improvements or Management Improvements			Estimated Cost	Planned Start Date (HA Fiscal Year)
Total estimated cost over next 5 years				

**Optional Public Housing Asset Management Table**

See Technical Guidance for instructions on the use of this table, including information to be provided.

Public Housing Asset Management							
Development Classification	Activity Description						
	Number and Type of units	Capital Fund Program Parts II and III <i>Component 7a</i>	Development Activities <i>Component 7b</i>	Demolition / disposition <i>Component 8</i>	Designated housing <i>Component 9</i>	Conversion  <i>Component 10</i>	Home- ownership <i>Component 11a</i>



## **PHA Certifications of Compliance with the PHA Plans and Related Regulations Board Resolution to Accompany the PHA Plan**

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the 5-Year Plan and Annual Plan for PHA fiscal year beginning July 1, 2000, hereinafter referred to as the Plan of which this document is a part and make the following certifications and agreements with the Department of Housing Development (HUD) in connection with the submission of the Plan and implementation thereof:

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes the Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Board or Boards in developing the Plan, and considered the recommendations of the Board or Boards (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
4. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
5. The PHA will carry out the plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
6. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identify any impediments to fair housing choice within those programs, address those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and maintain records reflecting these analyses and actions.
7. For PHA Plan that includes a policy for site based waiting lists:
  - The PHA regularly submits required data to HUD's MTCS in an accurate, complete and timely manner (as specified in PIH Notice 99-2);
  - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
  - Adoption of site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
  - The PHA shall take reasonable measure to assure that such waiting list is consistent with affirmatively furthering fair housing;
  - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).

8. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
9. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
10. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low- or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
11. The PHA has submitted with the Plan a certification with regard to a drug free workplace required by 24 CFR Part 24, Subpart F.
12. The PHA has submitted with the Plan a certification with regard to compliance with restrictions on lobbying required by 24 CFR Part 87, together with disclosure forms if required by this Part, and with restrictions on payments to influence Federal Transactions, in accordance with the Byrd Amendment and implementing regulations at 49 CFR Part 24.
13. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
14. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
15. The PHA will provide HUD or the responsible entity any documentation that the Department needs to carry out its review under the National Environmental Policy Act and other related authorities, in accordance with 24 CFR Part 58.
16. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
17. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
18. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act and 24 CFR Part 35.
19. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A87 (Cost Principles for State, Local and Indian Tribal Governments) and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments.).
20. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize Capital Grant Funds only for activities that are approvable under the regulations and included in its Plan.
21. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and attachments at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.

Kauai County Housing Agency  
PHA Name

HI005  
PHA Number

Mayor Maryanne W. Kusaka

Date

**Certification by State or Local Official of PHA Plans Consistency with  
the Consolidated Plan**

I, Maryanne W. Kusaka the Mayor of the County of Kauai certify  
that the Five Year and Annual PHA Plan of the Kauai County Housing Agency is  
consistent with the Consolidated Plan of the County of Kauai prepared  
pursuant to 24 CFR Part 91.

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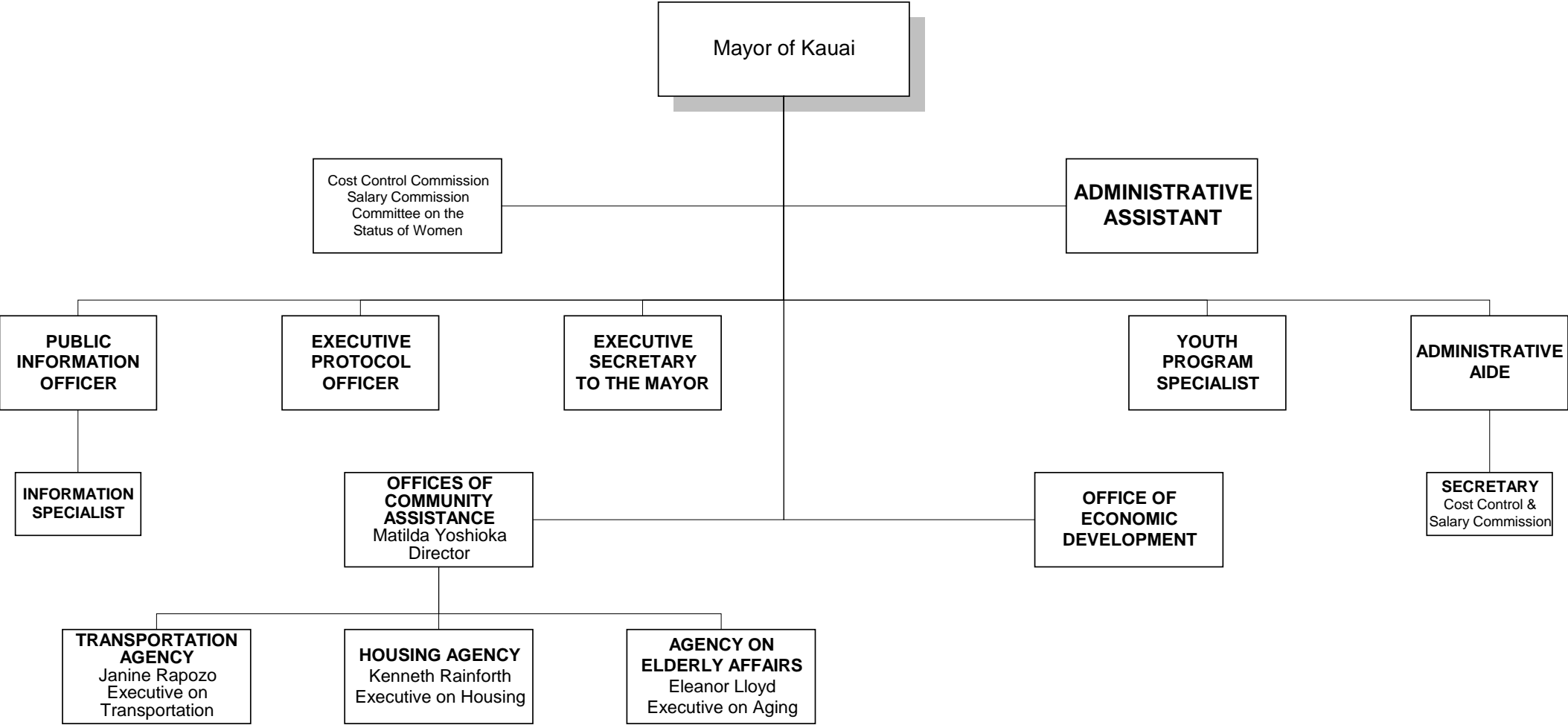
Mayor Maryanne W. Kusaka

Date

PREPARED BY: \_\_\_\_\_  
DEPARTMENT HEAD                      DATE

APPROVED BY: \_\_\_\_\_  
MAYOR                                      DATE

COUNTY OF KAUAI  
OFFICE OF THE MAYOR  
ORGANIZATIONAL TABLE 1999  
Effective July 1, 1999



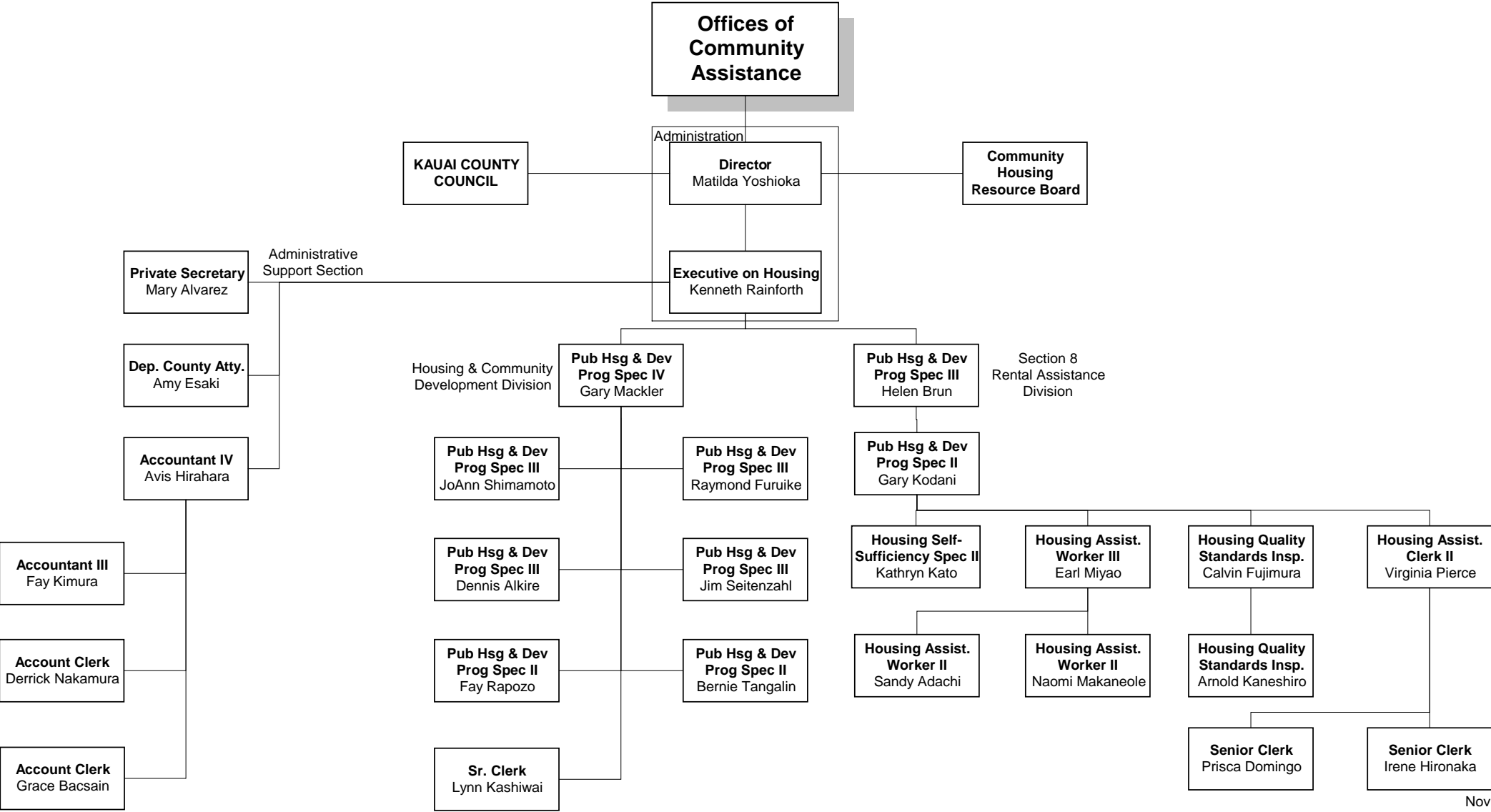
PREPARED BY: \_\_\_\_\_  
DEPARTMENT HEAD                      DATE

APPROVED BY: \_\_\_\_\_  
MAYOR                                      DATE

# COUNTY OF KAUAI

## HOUSING AGENCY

### ORGANIZATION CHART



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**THE KAUAI COUNTY HOUSING AGENCY**

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**ADMINISTRATIVE PLAN**

**HUD SECTION 8 PROGRAMS**

**Rules Amended:**

**November 18, 1999**

**ADMINISTRATIVE PLAN OF THE EXISTING SECTION 8 DIVISION OF THE  
THE KAUAI COUNTY HOUSING AGENCY**

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**ADMINISTRATIVE PLAN**  
**RULES AND REGULATIONS**  
**OF**  
**THE KAUAI COUNTY**  
**HOUSING AGENCY**

**RULE 1.      RULES RELATING TO ADMINISTRATIVE PROCEDURES**

**A.      DEFINITIONS**

For the purpose of this rule:

1.      "Administrator" means the Executive on Housing of the Kauai County Housing Agency, County of Kauai.
2.      "Agency" means Kauai County Housing Agency, County of Kauai.

**B.      GENERAL APPLICABILITY**

These rules shall regulate the practice and procedures before the Agency and its Administrator, pursuant to Chapter 91, Hawaii Revised Statutes; Sections 46-15 and 46-15.1, Hawaii Revised Statutes; Section 2-1.16, Kauai County Code 1987, and other related acts as may now or hereafter be administered by the Administrator of the Agency. They shall be construed to secure the just, speedy, and inexpensive determination of every proceeding.

C. RULES SUBORDINATE TO OTHER LAWS

All rules of the Agency are subordinate to Section 46-15 and 46-15.1, Hawaii Revised Statutes, and to any applicable federal assistance requirements. In the event any rule of the Agency is contrary to or conflicts with said sections or any Federal assistance requirement, then such sections or requirement shall govern over any rule to the contrary.

D. METHODS WHEREBY PUBLIC MAY OBTAIN INFORMATION

1. Were Obtained

The public may obtain information on matters within the jurisdiction of the Agency by inquiring at:

- a. The Office of the County Clerk, County Building, 4396 Rice Street, Lihue, Kauai; or
- b. Kauai County Housing Agency, 4193 Hardy Street, Lihue, Kauai. All rules, orders or opinions of the Agency are on file and available for public inspection at said office. Copies of compilations of rules and supplements thereto are available to the public at a price to be fixed by County Ordinance.

2. Submittal or Requests for Information

Such inquiry may be made in person at said office during business hours, or by submitting a request for information in writing to the Administrator.

E. PETITION FOR ADOPTION, AMENDMENT OR REPEAL OF RULES

1. Petition

Any interested person may petition the Agency requesting the adoption, amendment or repeal of any rule of the Agency.

2. Submission

Five (5) copies of the petition shall be submitted to the Agency. It shall include:

- a. The name, address and telephone number of the petitioners;
- b. A statement of the nature of the petitioner's interest.
- c. A draft of the substance of the proposed rule or amendment or a designation of

the provision sought to be repealed; and

- d. An explicit statement of the reasons in support of the proposed rule, amendment or repeal.

3. Disposition of Petition

The Agency shall within thirty (30) days after the submission of the petition either deny the petition in writing, stating its reasons for such denial, or initiate proceedings in accordance with Section 91-3, Hawaii Revised Statutes, for the adoption, amendment or repeal of the rule, as the case may be.

## F. DECLARATORY RULINGS BY AGENCY

1. Petition

Any interested person may petition the Agency for a declaratory order as to the applicability of any statute or ordinance relating to the Agency, or of any rule or order of the Agency.

2. Submission of Petition

Five (5) copies of the petition shall be submitted to the Agency. It shall contain:

- a. The name, address and telephone number of the petitioner;
- b. A statement of the nature of petitioner's interest, including reasons for the submission of the petition;
- c. A designation of the specific provision, rule or order in question;
- d. A complete statement of facts;
- e. A statement of the position or contention of the petitioner; and
- f. A memorandum of authorities; containing a full disclosure of the reasons, including any legal authorities, in support of such position or contention.

3. Rejection of Petition

Any petition which does not conform to the foregoing requirements may be rejected.

4. Refusal to Issue Declaratory Ruling

The Agency may, for good cause, refuse to issue a declaratory ruling, without limiting the generality of the foregoing, the Agency may so refuse where:

- a. The question is speculative or purely hypothetical and does not involve existing fact, or facts which can reasonably be expected to exist in the near future; or
- b. The petitioner's interest is not of the type which would give him standing to maintain an action if he were to seek judicial relief; or
- c. The issuance of the declaratory ruling may adversely affect the interest of the County, the Agency or any of their officers or employees in any litigation which is pending or may reasonably be expected to arise; or
- d. The matter is not within the jurisdiction of the Agency.

5. Referral to Other Agencies

Where any question of law is involved, the Agency shall refer the matter to the County Attorney or his assigns. The Agency may also obtain the assistance of other agencies, where necessary or desirable.

6. Hearing

The Administrator may in his/her sole discretion, allow the petitioner or his representative to present testimony and other evidence on the subject matter of his petition for declaratory order.

7. Notification of Petitioner

Upon the disposition of his petition, the petitioner shall be promptly informed thereof by the Administrator.

8. Status of Orders

Orders disposing of petitions shall have the same status as other Agency orders. Orders shall be applicable only to the fact situation alleged in the petition or set forth in the order. They shall not be applicable to different fact situations or where additional facts not considered in the order exist.



**RULE 2.      RULES OF PRACTICE AND PROCEDURES OF THE SECTION 8  
DIVISION OF THE KAUAI COUNTY HOUSING AGENCY**

**A.      PURPOSE**

These rules and regulations are adopted under the Hawaii Administrative Procedures Act, Chapter 91, Hawaii Revised Statutes, are intended to implement Section 2-1.16 Kauai County Code 1987, and are intended to set forth the essential elements to implement the requirements of Title 24 of the Code of Federal Regulations, Parts 882, 812 and 813. Nothing in these rules shall supersede the provisions of CFR Part 882, Parts 812 and 813 and the Administrative Practices Handbook for Section 8 Existing Housing, 7420.7, and any revisions or amendments thereto.

**B.      DEFINITIONS**

Unless otherwise clear from the context as used herein, the following terms for the purpose of this rule shall mean:

1.      Adjusted Income: Annual income less:

- a.      \$480 for each dependent;
- b.      \$400 for elderly family;
- c.      Medical expenses in excess of three percent of annual income for any elderly family;
- d.      Handicapped Assistance - Deduction of anticipated expenses for care attendants and "auxiliary apparatus" for handicapped or disabled family members if such expenses:
  - Enables a family member (including the handicapped family member) to work;
  - exceeds three percent of Annual Income; and;
  - does not exceed the earned income of the household member(s) enabled to work.
- e.      Child care expenses.

2.      Adjustment Standards: The amount established by the Agency as the basis for

providing affordability adjustments of Voucher payments.

3. Administrator: The Executive on Housing of the Kauai County Housing Agency, County of Kauai.
4. Agency: The Kauai County Housing Agency.
5. Allowance for Utilities and Other Services: An amount determined and allowed by the Agency as an allowance for the cost of utilities (except telephone) and charges for other services payable directly by the family.
6. Annual Contribution Contract (ACC): A written agreement between the Federal Department of Housing and Urban Development (HUD) and the Agency to provide annual contributions to cover housing assistance payments and other related expenses.
7. Annual Income: The gross amount of income anticipated to be received by all members of the family from all sources for a 12 month period following the date of determination of income, computed in accordance with Part F, herein.
8. Applicant: A family or individual that seeks rental assistance under the Section 8 Existing Certificate or Voucher Program.
9. Assets: Assets mean the value of equity in real property, savings, stocks, bonds and other forms of capital investment. Assets shall include the value of any assets disposed of for less than fair market value during the two years preceding the date of application or re-examination.
10. Certificate: A Certificate issued by the Agency declaring a family to be eligible for participation in the Certificate Program and stating the terms and conditions for such participation. No Certificates will be issued from August 12, 1999, due to merger of Section 8 Certificate and Voucher Programs.
11. Certificate Program: The Section 8 Existing Housing Certificate Program.
12. Child Care Expenses: Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period of which annual income is computed, but only where such care is necessary to enable a family member to be gainfully employed or to further his or her education.
13. Contract Rent: The rent payable to the Owner under the Housing Assistance Payment contract including that portion payable by the family. In the case of a cooperative, the term "Contract Rent" means charges under the occupancy agreements between the members and the cooperative.

14. Decent, safe, and Sanitary Housing: Housing which meets the Housing Quality Standards (HQS) of Section 882.109 of 24 Code of Federal Regulations (CFR).
15. Dependent: A member of the family household other than the family head or spouse, who is under 18 years of age or is a disabled person or handicapped person or is a full-time student. Head, Spouse, foster child and live-in attendants are not considered dependents.
16. Disabled Person: A person with a disability as defined in Section 233 of the Social Security Act or in Section 102(5) of the Development Disabilities Services and Facilities Construction Amendments of 1970.
17. Displaced Person: A person as defined in Section 42.29 of 24 Code of Federal Regulations (CFR), Part 42, Uniform Relocation and Real Property Acquisition, or a person whose dwelling has been extensively damaged by fire or natural disaster, pursuant to federal disaster relief law.
18. Elderly Family: A family whose head or spouse of the head or whose sole member is at least 62 years of age; or a family with a member who is a disabled or handicapped person as defined in this section; or two or more elderly, disabled or handicapped persons living together, or one or more such persons living with another person who is determined to be essential to his or her care and well being.
19. Eligible Family ("Family"): "Family" means (1) two or more persons sharing residency whose income and resources are available to meet the family's needs and who are either related by blood, marriage, or operation of law, or have evidenced a stable family relationship, meaning a relationship involving two or more persons who have lived together in the same dwelling unit for at least 12 consecutive months immediately prior to application to the program; (2) an elderly family or single person as defined in this part, (3) the remaining member of a tenant family.
20. Existing Housing: Housing that is decent, safe, and sanitary, as outlined in 24 CFR, Part 882.109.
21. Extremely low-income families: - A family whose annual income does not exceed 30 percent of median income for the area, as determined by HUD, with adjustments for smaller and larger families.
22. Family Income (Annual Income): Income which meets the definitions contained in Section F.

23. Family Self-Sufficiency (FSS): Program designed to assist families to become self-sufficient.
24. FSS Escrow Account: An escrow account is started when the total tenant payment (30% of adjusted gross income) in effect when the FSS contract of Participation was signed is less than the current Total Tenant payment.
25. Full-time Student: A person who is attending school or vocational training on a full-time basis; in full-time attendance (equal to a full-time day student) under the standards and practices of the educational institution he or she is attending.
26. Gross Rent: The contract rent plus any allowance for utilities and other services.
27. Handicapped Person: A person having a physical or mental impairment which (1) is expected to be of long-continued and indefinite duration, (2) substantially impedes his or her ability to live independently, and (3) is of such a nature that such ability could be improved by more suitable housing conditions.
28. Head of Household: That member of a family who is responsible for the sustenance of the family.
29. Housing Assistance Payments Contract ("Contract"): A written contract between the Agency and an owner for the purpose of providing housing assistance payments under the Certificate or Voucher Program to the owner on behalf of an eligible family. From August 12, 1999, no new Certificate Housing Assistance Payments Contract will be executed. This is due to the merger of Section 8 Certificate and Voucher Programs.
30. Housing Quality Standards (HQS): The performance requirements and acceptability criteria for housing set forth in 24 CFR Section 882.109.
31. HUD: The U. S. Department of Housing and Urban Development or its designee and implementing regulations set forth in 24 CFR parts 882, 812 and 813.
32. Lease Agreement: A written agreement between an owner and an eligible family to lease a unit.
33. Local Preference: PHA established system for selection of families admitted to the program based on housing needs and priority. Local Preference given to eligible applicants.
34. Medical Expenses: Those medical expenses which are to be anticipated during the 12-

month period for which the annual income is computed, and which are not covered by insurance, provided that premiums for such insurance may be included as medical expenses.

35. **Merger Date:** August 12, 1999. On or after merger date, the PHA may only enter into a HAP contract for a tenancy under the Voucher program and may not enter into a new HAP contract for a tenancy under the certificate program.
36. **Monthly Income:** One-twelfth of the Annual Income.
37. **Monthly Income After Allowance:** One-twelfth of the Annual Income after Allowance.
38. **Owner:** Any person or entity, including a cooperative, having the legal right to lease or sub-lease Existing Housing.
39. **Participant:** A family receiving rental assistance under the program.
40. **Payment Standard:** The maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family).
41. **Preference:** Used in conjunction with Date and Time of Pre-application to determine correct placement on the Waiting List. Preference overrides date and time of application.
42. **Preponderance of Evidence:** Evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it.
43. **Public Assistance:** Welfare or other payments to families or individuals, based on need, which are made under programs, funded, separately or jointly, by the Federal and/or State governments.
44. **Single Person:** A person living alone or intending to live alone.
45. **Tenant Rent:** The amount payable monthly by the family as rent to the Owner.
46. **Total Tenant Payment (TTP):** The portion of the gross rent payable by an eligible family. Where all utilities and other essential housing services are supplied by the owner, tenant rent equals Total Tenant Payment.
47. **Utility Allowance:** An amount equal to the estimate established by the PHA of the monthly costs of utilities and other housing services for an assisted unit which are not included in the tenant rent but is the responsibility of the family occupying the unit.
48. **Utility Reimbursement:** The amount, if any, by which the Utility Allowance for the unit, if

applicable, exceeds the Total Tenant Payment for the family occupying the unit.

49. Very Low-Income Family: A family whose income does not exceed 50 percent of the median income for an area as determined by HUD, with adjustments for smaller or larger families.
50. Voucher: A document issued by a PHA declaring a family to be eligible for participation in the Voucher Program and stating the terms and conditions for the family's participation.
51. Voucher Contract: A written contract between a PHA and an owner to make Voucher payments to an owner on behalf of an eligible family.

#### C. GENERAL APPLICABILITY AND SCOPE

The policies and procedures contained herein are applicable to the making of Housing Assistance Payments on behalf of eligible families leasing housing pursuant to the provisions of Section 8 Housing Act of 1937 as amended. To implement the Certificate and Voucher Programs, the Agency, with the approval of HUD, is authorized to lease or cause to be leased to eligible families, units which are in decent, safe and sanitary conditions.

#### D. PUBLIC NOTICE TO VERY LOW-INCOME FAMILIES

##### 1. Notice of Availability of Housing Assistance

The Agency shall make known to the public through publication in a newspaper of general circulation and other suitable means of the availability and nature of housing assistance for very low-income families. The notice shall further inform such families where and how they may apply for the Section 8 Rental Assistance Program and the deadline for the submission of the application. The notice shall also state that occupants of housing must apply if they wish to be considered for a Voucher under this Part. In addition, the notice shall state that applicants for Vouchers will not lose their place on the public housing waiting list.

##### 2. Suspension of Application Intake

The Agency, at its discretion, may suspend application intake, and close the waiting list if it is determined that there is a sufficient number of applications to fill the anticipated vacancies for the coming 12 months.

##### 3. Re-opening of Wait List

Applications will be accepted on a first-come first-served basis.

4. Notice in Accordance with HUD Guidelines

Such notice shall be made in accordance with the Agency's HUD-approved equal opportunity housing plan and with the HUD guidelines for fair housing requiring the use of the equal opportunity logotype, statement, and slogan, emphasizing out-reach to families not otherwise expected to apply. The Agency shall send to the appropriate HUD field office a statement of the methods used and copy of the published notice and other material.

E. PUBLIC NOTICE AND INVITATION OF OWNERS

1. Invitation to Owners

The Agency shall invite Owners through publication in newspaper of general circulation and other suitable means to make dwelling units available for lease by eligible families. In so doing, the Agency shall encourage the participation of Owners of units in areas other than low-income or minority concentration. Invitations to Owners shall be made in accordance with the applicable HUD guidelines and shall be in conformance with the Agency's equal opportunity housing plan.

2. Contracts with Organizations

The Agency shall (1) develop working relationships with the local owners and real estate broker associations, (2) establish contact with civic, charitable, or neighborhood organizations which have an interest in housing for low-income families, and public agencies concerned with obtaining housing for displacees, and (3) explain the provisions of the program including equal opportunity requirements, to real estate, landlord, and other groups the members of which have dealings with low-income families or are interested in housing such families.

F. ANNUAL INCOME

1. What Income Includes

Income shall include, but not be limited to:

- a. The full amount (before any payroll deductions), of wages and salaries, overtime

pay, commissions, fees, tips and bonuses and other compensation for personal services, including salaries from family-owned businesses.

- b. All regular pay, special pay (except as provided in Section F2) and allowances of a member of the Armed Forces (whether or not living in the dwelling) who is head of the family or spouse.
- c. The net income from operation of a business or profession or from rental of real or personal property.
- d. Welfare (Public Assistance): This includes payments to families of individuals on the basis of economic need, age, family composition and size, and health of recipient. The amount of Public Assistance designated as the basic living allowance; and b) the maximum amount which the Public Assistance Agency could, in fact, allow for the family for shelter and utilities.
- e. Benefits such as social security benefits; Supplemental Security Income; Railroad Retirement; U.S. Military Retirement; Miners' Blacklung Benefits; Veterans Administration Pensions; Retirement Pensions into which the individual has made payment, or is eligible to receive payments by virtue of the household; all Veterans Administration funds; periodic payments for annuities, and periodic payments from insurance policies.
- f. Other income such as income from assets (when the account balance is over \$300); any money loaned out plus any interest on the loan will be counted as an asset; Unemployment Insurance Benefits; Temporary Disability Insurance; Worker's Compensation, and Severance Pay; Alimony, Child Support; regular contributions or gifts.
- g. The first \$480 in earnings of each full-time student 18 years old or older.
- h. The first \$480 in adoption assistance payments of each adopted child.
- i. Income of temporarily absent family members.
  - All income of every family member who is on the lease including those who are temporarily absent.
  - Income of the spouse of the head of household if that person is temporarily absent such as away at college or in the armed forces, even if that person is not on the lease.
  - People in the armed forces are treated the same as anybody else.



j. Income of confined family member.

■ If a household member is confined to a nursing home or hospital on a long-term basis, the agency will determine whether to:

- ▲ Include the income of the family member; or
- ▲ remove the family member's name from the lease and exclude the income.

2. Items Not Included as Income:

The following items shall not be considered as income:

1. Income from employment of children (including foster children) under the age of 18 years;
2. Payments received for the care of foster children;
3. Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (but see paragraph (b)(5) of this section);
4. Amounts received by the family, that are specifically for or in reimbursement of the cost of medical expenses for any family member;
5. Income of a Live-In Aide, as defined.
6. Amounts of educational scholarships paid directly to the student or to the educational Institution and amounts paid by the Government to a veteran for use in meeting the costs of tuition, fees, books, equipment, materials, supplies, transportation, and miscellaneous personal expenses of the student. Any amount of such scholarship or payment to a veteran not used for the above purposes that is available for subsistence is to be included in income;
7. The special pay to a Family member serving in the Armed Forces who is exposed to hostile fire;
8. Amounts received under training programs funded by HUD, including income received under the Comprehensive Improvement Assistance Program;

- Amounts received by a disabled person that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS); or
  - Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program.
  - A resident service stipend (not to exceed \$200 per month);
  - Compensation from state or local employment training programs and training of a family member as part of a resident management staff;
9. Temporary, nonrecurring or sporadic income (including gifts);
  10. Reparation payments made by foreign governments in connection with the Holocaust (for all initial determinations and reexaminations carried out on or after April 23, 1993);
  11. Earning in excess of \$480 for each full-time student 18 years or older (excluding head or spouse);
  12. Adoption assistance payments in excess of \$480 per adopted child;
  13. Deferred periodic payments of Supplemental Security income and Social Security benefits that are received in a lump-sum payment;
  14. Amounts received by family in form of refunds or rebates under state or local law for property taxes paid on the dwelling unit;
  15. Amounts paid by state agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the disabled family member at home; or
  16. Amounts specifically excluded by any other federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937. A notice will be published in the Federal Register and distributed to PHAs and IHAs identifying the benefits that qualify

for this exclusion. Updates will be published when necessary.

17. Relocation payments made pursuant to Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;
18. Value of allotment provided to an eligible household for coupons under the Food Stamp Act of 1977;
19. Payments to volunteers under the Domestic Volunteer Services Act of 1973.
20. Payments received under the Alaska Native Claims Settlement Act.
21. Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes.
22. Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program.
23. Payments received under programs funded in whole or in part under the Job Training Partnership Act (employer's portion).
24. Income derived from the disposition of funds of the Grand River Band of Ottawa Indians.
25. The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission of the Court of Claims or from funds held in trust for an Indian tribe by the Secretary of the Interior.
26. Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 including awards under the Federal Work Study Program or under the Bureau of Indian Affairs Student Assistance.
27. Payments received from programs funded under Title V of the Older Americans Act of 1965.
28. Payments received after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established in the In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.).
29. Payments received under the Maine Indian Claim Settlement Act of 1980. (Pub. L. 96-420, 94 Stat. 1785).
30. The value of any child care provided or arranged (or any amount received as

payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990.

31. Earned income tax credit refunds received on or after January 1, 1991.

3. Period for Determining Income

- a. Under normal circumstances the income shall be determined based on the anticipated gross income for the next 12-month period; or
- b. If the circumstances are such that it is not possible to anticipate a level of income over a 12-month period, a shorter period may be annualized subject to a redetermination at the end of the shorter period.

G. ELIGIBILITY CRITERIA

1. Family and Income Qualification

Eligible applicants for participation in the program include those who qualify as a family as defined in paragraph B above and whose income, as defined in paragraph F above, does not exceed the income limits prescribed by HUD as set forth in the Federal Register and any amendments made thereto from time to time.

2. Projected Income Indeterminable or Determinable for a Shorter Period

- a. Where a new applicant's projected income is indeterminable, the applicant shall qualify for housing assistance. The applicant's name will be placed on a three month tickler and their income reviewed every three months or as soon as an income is reported by the family. It will be the family's responsibility to report any changes in their income. Instances where projected income is indeterminable are periods immediately preceding notification of unemployment compensation benefits, welfare assistance, worker's compensation benefits, etc.
- b. Where an applicant's projected income is determinable for a period of less than one year, the applicant shall be eligible to qualify for housing assistance for that period. If such applicant receives Housing Assistance Payments, the Agency shall reexamine the applicant's family income at the end of such period, notwithstanding any other provisions to the contrary. If upon reexamination the Agency determines that the applicant's income is indeterminable, the applicant's name will be placed on a three month tickler as stated in 2a above.

3. Tickler System

The following families will be placed on a tickler system to update income data: a) zero

and indeterminable income families, b) strikers and c) self-employed families or person(s) if self employed for less than two years.

4. Single Person

A person living alone or intending to live alone .

5. Family with Outstanding Balance with HA

A family with an outstanding balance owed to the Agency and/or another Agency in connection with Section 8 or public housing assistance under the United States Housing Act of 1937 may be declared ineligible for rental assistance until the past due balance is paid in full or a satisfactory arrangement for repayment is made. HUD regulations will apply.

An applicant who's application is being considered and who has an outstanding balance owed shall have three weeks to pay the balance in full or must provide a copy of an executed repayment agreement with the affected government agency. Failure to pay or execute a repayment agreement shall result in the family's application being removed from the waiting list or failure to comply with the repayment agreement shall be cause for denial or termination in accordance with HUD regulations. Further, irrespective of any declaration of ineligibility, the Agency may proceed to collect from the family such outstanding balance through appropriate means.

6. Unreported Changes

a. Willful - for amounts below \$5,000

If the HA determined that a participant committed willful and/or intentional fraud, the HA may require the family to repay the entire amount in full and have its assistance terminated. The participant will have the opportunity for an informal hearing.

If the participant's assistance is terminated and repayment has not been made, the money will still be considered to be owed and the HA may still take action to collect the amounts owed.

b. Unintentional - for amounts below \$5,000

If the HA believes there was no willful intent to defraud or the family supplied the information regarding the violation willingly, the HA may enter into a Repayment Agreement for up to \$5,000. The terms to be negotiated and approved by the HA. If the participant refuses to agree to a repayment plan or

breaches a repayment agreement, the HA would consider this a violation of the family obligations and grounds for termination of assistance. Opportunity for an informal hearing would apply.

If the participant's assistance is terminated and repayment has not been made, the money will still be considered to be owed and the HA may still take action to collect the amounts owed.

c. Repayment Agreement

There will be a maximum of 12-months on any Repayment Agreement that the HA enters into. There will be no doubling up on agreements. An existing Repayment Agreement must be paid in full before a decision is made on whether or not to approve a second Repayment Agreement.

d. For Amounts Above \$5,000

In addition to seeking repayment, the HA will consider further action.

e. Further action

The HA may consider local prosecution or forward the case to the Regional Inspector General for Investigation on a case by case bases.

7. Disposition of Assets

An applicant who has assigned, conveyed, transferred, or otherwise disposed of assets within two years prior to date of filing an application for participation in the program shall have the value of such assets included in the determination of net family assets as set forth in 24 CFR Section 813.102.

H. VERIFICATION OF ELIGIBILITY

1. Application for Admission

The Agency shall determine eligibility for issuance of Certificates or Vouchers in accordance with schedules and criteria established by HUD. In so doing, the Agency shall require every applicant for a Certificate or Voucher to complete and sign an application for admission prescribed by the Agency.

The application process will be undertaken in two phases: a preliminary application (referred to as a preapplication) will be taken first. When the applicant comes to the top of the waiting list and the HA is ready to pull the family into the applicant pool for

final eligibility determination/issue a Certificate or Voucher, the HA will take a formal application (referred to as a full application) and verify the information provided.

2. Verification of Preferences, Citizenship or Eligibility Immigration Status

To substantiate eligibility, preference, dwelling size and rent to be paid, the information submitted on the application for admission shall be verified when the applicant is notified that the applicant's name has come to the top of the waiting list and who's application is being reviewed. Preference categories, citizenship and eligibility immigration status will be verified prior to certification.

3. Methods of Verification

- a. The Agency must use written verification from a reliable third party whenever possible and verifications should be transmitted and retrieved through the mail rather than handled directly by the applicant to ensure valid results. If written third party verification was not used, the Agency must document in the applicant's file why another method was used.
- b. If the Agency obtains oral verification by telephone or in person from a reliable third party, the Agency must document the facts obtained, the time and date of the contact, and specify the name and title of the party who provided the information. The notes summarizing what was obtained through the oral verification must be signed by the Agency staff person who obtained the information.
- c. The Agency shall obtain photostat or carbon copies of documentary evidence possessed by the applicant or participating family, or in lieu thereof, shall provide recognition in brief of the contents of such documents together with the name of the Agency's staff member who reviewed the documents, the date on which the documents were reviewed, the identification or reference number of the document, and the name of the person who presented the document.
- d. Notarized statements or signed affidavits by the applicant or participating family shall be the least acceptable form of verification method, it shall be used only when all else fails, and shall be approved by the Section 8 Program Manager.
- e. Citizenship and eligible immigration status will be verified and processed according to HUD regulations.

4. Record of Family

A file folder shall be established for each family and shall contain the application and all data collected to verify and document the family's status.

5. Misrepresentation

If any applicant or participant deliberately misrepresents the information on an application, the Agency may refuse to consider the application or any data collected to verify and document the family's status.

I. WAITING LIST

1. Processing of Applications

Each family shall be required to complete and sign a pre-application form for admission to the program.

Application forms may be returned by mail, postmarked no later than the date and time specified in the PHA's notice.

- a. Each application shall reflect the date and time received by the PHA and be numbered accordingly.

The application shall be placed on the waiting list if there are no vouchers available.

- b. Each application shall be maintained in a manner so as to assure compliance with the selection provisions.

2. Selection Provisions

- a. Selection shall be based on first come first served (date and time) of pre-application.
- b. Local preference - Applicant (renters) whose rental units have been destroyed due to fire or flooding by the overflow of streams or rivers will have 1st priority as a Local preference.
- c. Local preference - 2nd priority shall be extended to applicants who meet the eligibility requirements of the Section 8 Program and who must be eligible to receive, be currently receiving, or shall have received within the preceding two years, assistance or services funded under the TANF program and be in a



training program such as JTPA, welfare's First-to-Work, the State Employment Service (WDD) program or any other government training program approved by the agency.

- d. Acceptable verification of meeting the eligibility requirements will be required of the applicant family.
- e. Local preference - shall be used in conjunction with date and time of pre-application and shall have priority over other applicants.
- f. The PHA must target 75 percent of new admissions to extremely low income families whose incomes do not exceed 30% of median income for the area.
- g. All other applicants shall follow.

3. Denied Listing on Waiting List

The PHA will immediately and permanently deny admission to the Section 8 Program of persons convicted of manufacturing or producing methamphetamine (commonly referred to as speed) in violation of any Federal, state or local law.

The Agency will deny listing an applicant on the waiting list because of action or inaction by members of the family, as allowed by the regulations, such as violent or drug-related criminal activity.

If an applicant's or any member of the applicant's household was previously terminated from the Section 8 Program due to violent or drug-related activities then the applicant shall be determined ineligible and denied listing on the waiting list for three years from the date of the termination.

An exception will be granted (for drug-related activities) provided - the family member can demonstrate that he or she:

- a. has an addiction to a controlled substance, has a record of such an impairment, or is regarded as having such an impairment; and
- b. is recovering, or has recovered from, such addiction and does not currently use or possess controlled substances by submitting evidence of participation in and successful completion of, a treatment program as a condition of remaining on the waiting list or for continued assistance as a participant. Evidence must meet Agency's approval.
- c. The PHA will not admit a family to the program for a period of three years, if any member of the family has been evicted from federally assisted housing for

serious violation of the lease and the family may not have any outstanding debt with the federally assisted housing project/program.

4. Reporting Change in Family Composition

a. Changes In An Applicant's Family Composition While On The Waiting List:

If there is a change in an applicant's family composition, the applicant must notify the Agency **in writing within 10 calendar days of the change**. This is so the Housing Agency can estimate funding needs. Failure to comply could delay assistance.

b. Changes In A Participant's Family Composition:

A participant must get the agency's approval prior to adding any new member to the subsidized household. Any additional person added to a participant's household will be denied participation if there is evidence of criminal activity or violent criminal activity as stated in section I-3 of this section.

5. Removal From the Waiting List

An applicant may be removed from the waiting list if an applicant:

- fails to respond to requests for information or updates;
- fails to respond by due date, and time;
- fails to report to the Agency correct and current mailing address; in writing within 10 calendar day of the change; Applicant may be reinstated on the waiting list if there is a legitimate reason for the applicant's failure to respond such as for hospitalization, or disability and the applicant is able to provide verification supporting the reason.
- refuses offers of tenant-based assistance under the voucher program;
- or a member of the household owes rent or other amounts to the agency or to another agency in connection with Section 8 or public housing assistance under the 1937 Housing Act;
- or any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
- or any member of the family commits drug related criminal activity or violent criminal activity.

6. Family Self-Sufficiency Program (FSS Program)

Basis for Participant Selection: To be considered for the FSS Program participants must meet the following criteria:

- a. Candidates must be Section 8 Program participants at the time selection is made.
- b. Initial selection of candidates will be done using a "lottery" system of random selection to establish a wait list, while ensuring that there will be no discrimination with regard to race, color, religion, sex, handicap, familial status or national origin. Subsequent selection of candidates will be done on a first come first served basis.

7. Family Briefing

The Agency shall brief eligible families receiving a Certificate or Voucher on the conditions governing participation in the program.

The briefing will include notice of the conversion to Vouchers and that no new HAP Contracts will be executed on or after the August 12, 1999 (merger date). HUD regulations will apply.

Most briefings will be conducted on a group basis or as individual families as the need arises. Eligible families receiving Certificates or Vouchers will be briefed in the following manner:

- a. Eligible families will be briefed individually or in groups. All families will be required to participate in a briefing session before the Certificate of family participation or Voucher is issued. Housing Agency staff will explain the responsibilities of the owner regarding the management and maintenance of the unit; the responsibilities of the family regarding the prompt payment of rent, maintenance of the unit, re-examination of family circumstances, Family Obligations, the grounds on which a family's participation could be terminated etc.; and the responsibilities of the Agency regarding the administration of the Housing Assistance Payment Contract, payments to the owners, inspection of units, etc.
- b. Applicants will be advised of the policies and the provisions of the Certificate and the Voucher. Each family will be advised where to go to find a unit (newspapers, management agents, the agency's unit availability list, etc.). How to add in or subtract out utility allowances, how to explain the program to the

owner, and how to secure the unit.

- c. Families will be briefed on Housing Quality Standards with examples of what would constitute substandard housing. Families will also be advised of the requirements of unit inspections by the owners and the applicants.
- d. Eligible families receiving Vouchers may have separate briefings and will receive in addition to the conditions governing the Voucher program the following information:

- The Agency will advise the family of the maximum amount of subsidy for which it is eligible.
- The Agency will advise the family that the amount the family pays for rent and utilities will depend on the rent charged by the owner for the unit selected by the family.
- The Agency will explain to each family that it has the right to choose any standard housing in the Agency's jurisdiction. The Agency will explain that if the family chooses a unit above the payment standard, the family will have to pay the difference between, the payment standard and the contract rent.
- The Agency will explain to each family that in selecting a smaller sized unit, the Payment Standard will be based on the actual smaller sized unit.

Example: Family qualifies for a three bedroom Payment Standard but selects a two bedroom unit. The two bedroom Payment Standard would be used in calculating the amount of the subsidy.

- The Agency will explain to each family the Portability procedures for the programs.

The Agency will explain the responsibilities/requirements of the applicant pulled with a local preference.

- e. Certificate or Voucher holders will be advised of their civil rights as mandated by Title VIII of the Civil Rights Act of 1968, Executive Order 11063, the Fair Housing Amendment Act of 1988, and Chapter 515 of the Hawaii Revised Statutes, as amended, which makes it illegal to discriminate against any person because of race, color, religion, sex, national origin, handicapped or family status in the rental of housing and in the advertising of rental units.

8. Expiration and Extension of Certificate or Voucher

The Certificate or Voucher shall expire at the end of 60 days but a family may submit a request for an extension. If the Agency determines that the family's failure to find a suitable unit is not due to the fault, or lack of diligence on the part of the family and if the Agency believes that there is a reasonable possibility that the family may, with additional time, find a suitable unit, the Agency may grant one or more extensions not to exceed a total of 60 days. A determination not to grant any further extensions shall not preclude the family from filing a new application for another Certificate or Voucher.

9. Determination of:

- a. Ineligibility - If an applicant is determined to be ineligible, the Agency shall promptly state the reasons for its finding in a letter to the applicant.
- b. Eligibility - but No Certificate or Voucher - If the applicant is determined by the Agency to be eligible, but the Agency has determined that it is unable to issue any more Certificates or Vouchers, the Agency shall place such family on a waiting list as specified in paragraph I of this section.

10. Changes Which Occur Between Final Eligibility Determination and Executed Contract Date

- a. Changes which occur during this period will affect eligibility to lease the unit. For example, if a family goes over the income limits, s/he will not continue to be eligible for the program and will be notified of their ineligible status in writing, and an informal review will be held consistent with procedures outline in Sec. V.

11. Suspension of Taking Applications Due To Insufficient Funds

If there is insufficient funding to admit all eligible applicants for participation, the Agency may at any time suspend the acceptance or processing or new listing to the waiting list. In such case, the Agency shall not be required to take the actions specified above. Any such determination by the Agency shall be publicly announced in the same manner as provided in Section D of this Rule 2 and shall be effective as of the date stated in such announcement.

J. OCCUPANCY STANDARDS

In issuing the Certificate or Voucher to an eligible family, the Agency shall determine the appropriate size of dwelling to be occupied by the family by applying the following criteria:

1. A family shall be assigned to the smallest unit suitable for its needs, and each bedroom shall be occupied by at least one person.
2. The dwelling unit assigned should not require more than two persons to occupy the same bedroom.
3. Every member of the family, regardless of age, shall be counted as a person.
4. Age, sex, and other factors such as disability of members of the household shall be taken into consideration in determining room space allotment.
  - a. Any member of the family over 62 years of age may be allotted a separate bedroom; or
  - b. In cases of single parents and dependents, separate bedrooms may be allotted to the child and the parent; or
  - c. In cases when the children are of opposite sexes, separate bedrooms may be allotted; or
  - d. A person with valid medical ailments may be allotted a separate bedroom, provided the necessity for the separate bedroom is verified by a signed statement from a medical doctor and other supporting data; or
  - e. A handicapped/disabled person may be allotted a separate bedroom if necessary; or
5. Two or more elderly families, even though unrelated, may be placed in a single unit.
6. The living room of a unit may be counted as a sleeping room.
7. The following ratio shall be used as a guide:

**HUD GUIDELINES - OCCUPANCY RANGES**  
Standards Used to Issue Certificates and Vouchers

<b>Certificate Size</b>	<b>Minimum No. of Persons in Household</b>	<b>Maximum No. of Persons in Household</b>
0 BR	1	2

1 BR	1	2
2 BR	2	4
3 BR	3	6
4 BR	4	8
5 BR	8	10
6 BR	10	12

#### Standards Used to Determine Acceptability of Unit Size

0 BR	2
1 BR	4
2 BR	6
3 BR	8
4 BR	10
5 BR	12
6 BR	14

NOTE: HQS Standards allow 2 persons per living/sleeping room and would permit the following maximum occupancy, assuming a living room is used as a living/sleeping area:

- a. A Certificate or Voucher for a 1-bedroom dwelling would be assigned to a single person household only when there are no 0-bedroom dwellings in the program or when there are no 0-bedroom dwellings available in the area.
- b. The foregoing guidelines are set forth solely for determining the bedroom size to be designated on the Certificate or Voucher.

#### 8. Certificate Program

No new Housing Assistance Payments Contract will be executed after August 12, 1999 (Conversion to Voucher Program Sec. 982.502).

9. Voucher Program

Under the Voucher Program, a family may rent an acceptable unit that is larger or smaller than stated on the Voucher. However, a smaller unit must meet the space requirements of the Housing Quality Standards. The Payment Standards used will be the lesser of the Payment Standard for the family unit size or the Payment Standard for the unit rented by the family.

K. FINDERS' POLICY

Upon receipt of a Certificate or Voucher, the family shall be responsible for finding an approved unit of appropriate size prior to expiration of the Certificate or Voucher. The family may select the dwelling unit which it already occupies if the unit qualifies as Existing Housing. The Agency may provide assistance in finding units for those families who, because of age, handicap, or other reasons are unable to find an approved unit and shall provide assistance in cases where the family alleges that discrimination is preventing it from finding a unit. Any such assistance shall be in accordance with the Agency's equal opportunity housing plan and shall not directly or indirectly reduce the family's opportunity to choose among available units.

L. REQUEST FOR LEASE APPROVAL

Upon finding a suitable unit, the family shall submit the agency's Unit Information Sheet, a copy of the Rental Agreement if requested by the agency, the Potential landlord Tenant Suitability Form signed by the owner of the unit and **Restriction on leasing to relative forms**. Failure to comply with these requirements could delay assistance.

M. HOUSING ASSISTANCE PAYMENTS

1. Housing Assistance Payments Contract or Voucher Contract

The Agency shall make Housing Assistance Payments to the owner on behalf of the eligible family in accordance with the Housing Assistance Payments Contract or Voucher Contract. No payments shall be made for any unit occupied by an owner except for cooperatives.

2. Amount of Housing Assistance Payments

a. Certificate Program

The amount of Housing Assistance Payments shall equal the difference between the Total Tenant Payment and the Gross Rent for the unit.

b. Voucher Program



The amount of Housing Assistance (Voucher) Payments shall be the amount by which the applicable (Payment or Adjustment) standard for the family exceeds thirty percent (30%) of the family's monthly adjusted income.

3. Agency's Financial Obligations

The Agency's financial obligations under this part shall be limited to making Housing Assistance Payments on behalf of eligible families.

a. Certificate Program

Under the Certificate Program, Housing Assistance Payments Contract **form HUD 52535 (5-84) (HB 7420.7)**, the Agency will also pay claims for vacancy loss, unpaid rent and damages in the event the amount of security deposit paid by the family is insufficient to reimburse the owner. The owner must provide proof of effort to collect from the family in filing a claim and must submit verification of a claim within **60** days of the vacancy.

If the Housing Assistance Payments Contract is terminated by the Housing Agency for the family's failure to comply with their family obligations under the program or because of the conversion to the voucher program, then the owner must request an inspection of the unit within two weeks of the termination of the contract in order for the agency to honor a claim for damages. The request for an inspection must be done in writing to the Housing Agency.

Under the Certificate Program form HUD-52535.1 and 52535.2 (9/95) REF HB 7420.8 no claims will be paid by the Agency. Claims for unpaid rent, vacancy loss and damages will be the sole responsibility of the family.

b. Voucher Program

Under the Voucher Program, Housing Voucher Contract form HUD 52647 (8-87), the Agency will pay claims for unpaid rent and damages in the event the amount of the security deposit paid by the family is insufficient to reimburse the owner. The owner must provide proof of effort to collect from the family in filing a claim and must submit verification of a claim within 60-days of the vacancy.

If the Housing Assistance Payments Contract was terminated by the Housing Agency for the family's failure to comply with their family obligations under the program, then the owner must request an inspection of the unit within two weeks of the termination of the contract in order for the agency to honor a claim

for damages. The request for an inspection must be done in writing to the Housing Agency.

Under the Housing Assistance Payments Contract for the Rental Voucher Program, form HUD-52647.1 and 52647.2 (9/95) REF HB 7420.8, no claims will be paid by the Agency. Claims for unpaid rent and damages will be the sole responsibility of the family.

4. Limitations of Benefits to Family

In no event shall a family receive assistance from more than one of the following: Voucher, Section 8 Housing Assistance, Federal or State rental supplement, or Section 23 Housing Assistance.

N. RENTS

1. Certificate Program

a. Minimum Rent

The tenant shall contribute at least \$25.00 toward the rental of a unit. The TTP shall be at least \$25.00.

b. Fair Market Rent

For any Existing Housing unit, the sum of the Contract Rent and any Allowance shall not exceed the applicable Fair Market Rent.

c. Determination of Contract Rent

In determining whether a Contract Rent is approvable, the Agency shall determine the amount payable directly by the family for any utilities and other services (allowance).

d. Annual Determination of Charges; Adjustments

At least annually, the Agency shall determine whether there has been a substantial change in utility rates or other charges of general applicability, and whether an adjustment is required in the Allowance for Utilities and other services.

Any adjustment shall take into account size and type of dwelling units and other pertinent factors. Any changes affecting the family's share of rent resulting from the adjustments shall be made at reexamination.

e. Fair Market Rent and HUD Guidelines

Rent may exceed the Fair Market Rent only in accordance with applicable HUD guidelines.

f. Owner's Offer of a New Lease

- Increase Contract Rent - Prior to any increase in the Contract Rent the owner shall provide a 60-day written notice to the family and the PHA in accordance with applicable HUD rules.
- Decrease Contract Rent - The Owner shall give the HA and the family at least a 45-day written notice prior to a decrease in the Contract Rent. If the owner has more than 5 families that are being offered a new lease, the owner must give the HA and the families at least a 60-day written notice.

g. Certificate by Agency

The Agency shall certify for each approved unit that the Contract Rent for such unit is:

- Reasonable in relation to rents currently being charged for comparable units in the private unassisted market, taking into account the location, size, type, quality, amenities, facilities and management and maintenance services of such units; and
- Not in excess of rents currently being charged by the owner for comparable unassisted units.

h. Maintenance of Certification and Relevant Documents

The Agency shall maintain for three years all certifications and relevant documentation for inspection by HUD.

2. Voucher Program

a. Minimum Rent

The minimum rent shall be 10 percent of the family's monthly (unadjusted)

income, or \$25.00 whichever is greater.

b. Rent Not Capped By Payment Standard

Rents may exceed the applicable payment or adjustment standard, however, the amount of Voucher payment will not be increased.

c. Establishing the Adjustment Standard

At least annually, the Agency shall determine whether an adjustment is necessary to the applicable payment standard or adjustment standard being used in the Agency's Voucher Program to assure continued affordability of housing by participating families and if an adjustment is necessary, to what extent and to which category of participating families adjustments are needed. The Agency shall then establish adjustment standards for its Voucher Program to provide affordability adjustments after consulting with the public by public hearing. Such adjustment standards may be made annually for each unit size to ensure that the family can continue to afford units under the program.

d. The Payment Standard for the family must be the lower of:

- The payment standard for the family unit size; or
- the payment standard for the unit rented by the family.

e. Rent to Owner; Maximum Rent at Initial Occupancy

At the time a family initially receives tenant-based assistance for occupancy of a dwelling unit, the family share may not exceed 40 percent of the family's monthly adjusted income.

O. EXECUTION OF LEASE AGREEMENT

1. Inspection of Unit

Before approving any lease, the Agency shall inspect the unit for compliance with the Housing Quality Standards (HQS), without any variations.

- a. If there are any deficiencies which must be corrected for the unit to be decent, safe, and sanitary, the Agency shall notify the owner of the work required to be done. The Agency shall reinspect the unit to assure that all major deficiencies

are corrected prior to approving a contract. Time limit for corrective action will be on a case by case basis.

- b. The Agency shall prepare and maintain reports on inspections and reinspections. The report shall specify (a) any deficiencies which must be corrected in order for the unit to be decent, safe, and sanitary; and (b) any other deficiencies, for use in the event of a subsequent claim by the owner that they were caused by the family during the period of occupancy, in accordance with M 3a. or M 3b. and HUD regulations.

2. Approval of Lease

The Agency shall approve the lease if it determines that a unit is in decent, safe and sanitary condition, that the rent is approvable, and that the proposed lease complies with the requirements established by HUD.

3. Terms of Lease

The term of the lease shall begin on a date stated in the lease, and shall continue until (a) a termination of the lease by the Owner in accordance with the lease and addendum to lease; (b) a termination of the lease by the family in accordance with the lease or addendum to lease or by mutual agreement during the term of the lease, or (c) a termination of the contract by the Agency.

4. Violation of Lease and Payment To Owner

In the event a family vacates its unit in violation of the lease, the provisions in HUD guidelines pertaining to making Housing Assistance Payments shall apply.

5. Security Deposit

Certificate Program

- a. The security deposit the owner may collect from the family is limited to one month's rent form HUD-52535.1 and 52535.2 (9/95).
- b. Families shall be expected to obtain funds to pay a security and utility deposits from their own resources and/or other private or public sources.

Voucher Program

- a. The security deposit the owner may collect from the family is limited to one month's rent form HUD-52647.1 and 52647-2 (9/95).

- b. Families shall be expected to obtain funds to pay security and utility deposits from their own resources and/or other private or public sources.

6. Subsequent Adjustment to Initial Contract Rent

If any subsequent adjustment to the initial Contract Rent is to be made, it shall be made in accordance with applicable HUD policies.

7. Services, Maintenance and Utilities

The Owner shall provide all the services, maintenance and utilities which he agrees to provide under the contract or any addendum thereto.

8. Procedures For Filing A HUD Security Guarantee Claim on Housing Assistance Payments Contract (Certificates) form HUD 52535 (5-84) as amended HB 7420.7) and Housing Voucher Contract (Vouchers) form HUD 52647 (8-87) as amended.

a. Claim for Damages and Unpaid Rent

- When a tenant vacates (without notice or with notice) the owner must call the Agency to request a move-out inspection if the owner feels that there are damages that exceed the security deposit collected. The Agency will not certify damages without a move-out inspection.
- The Owner must send a certified letter to the tenant requesting payment for damages giving the tenant 15 calendar days to respond. A copy of that letter must be submitted to the Agency along with the receipts and/or estimated cost to make the repairs. Estimates must be by a merchant, contractor, or person who will be doing the repairs.
- All claims must be submitted by the owner/authorized representative to the Agency within **60-days** of the termination of the contract.
- After the 15-day period has lapsed and the tenant does not respond to the owners request for payment, the owner must notify the Agency. The Agency will notify the tenant (at the last known address) by certified mail that a claim is pending against them.
- The tenant will have 15-calendar days to request a meeting to dispute a claim with the Agency.

The tenant will also be notified in writing that they assume the responsibility of reimbursing the Agency for any claim paid on their

behalf. If the tenant does not dispute and/or does not request a meeting, the claim will be processed for payment in accordance with HUD regulations.

- If the participant/family acknowledges and accepts the debt (amounts) being requested by the owner; and agrees to sign a Promissory Note with the Agency; the above actions will be eliminated.

9. Agency Action

a. One of the following actions will be taken by the Agency:

- If The Tenant Requests and does not show up for meeting: The Agency will notify the tenant that the Agency is processing a claim and will inform the tenant of the liabilities assumed by the tenant if the Agency honors the claim. The tenant will be given 15-days from receipt of the letter to request an informal hearing. If the tenant does not request an informal hearing, the Agency will pay the landlord in accordance with the HUD guidelines.
- If a Hearing is Requested: The Agency will follow the Hearing Procedures as stated in Item (V).
- If The Tenant, Landlord and/or the Agency Disputes the Claim: The Agency will advise the parties to go to court if the dispute can not be resolved.

10. Recession of Lease

- a. If a landlord signs a Recession of Lease and releases a Voucher or Certificate participant from the lease, the date of the termination will be the last day of the HUD subsidy payment.

11. Responsibilities of Family

The family shall be responsible for the prompt payment of rent and such other charges for utilities and other services as may be applicable as established under the lease agreement with the owner.

12. Portability

To provide an opportunity to a Housing Voucher/Certificate holder to move to any other Housing Voucher/Certificate jurisdiction, the Agency shall explain the Housing Voucher and Certificate portability procedures to each family including admission to the receiving Agency's program based on the receiving Agency's income limits for families who are not a current participant in the initial Agency's jurisdiction.

P. CONTINUED ELIGIBILITY AND INCOME ADJUSTMENT

1. A family's eligibility for Housing Assistance Payments continues if the family meets the requirements governing eligibility, or until the Total Tenant Payment equals the Gross Rent for the dwelling unit it occupies under the Certificate Program or the applicable (payment or adjustment) standard under the Voucher Program. Termination of eligibility at such point shall not affect the family's other rights under its lease nor shall such termination preclude resumption of payment as a result of subsequent changes in income or rents or other relevant circumstances during the term of the Contract.
2. Local Preference applicants pulled off of the waiting list will be required to keep the following obligations:
  - a. Based on their self-assessment, participants will be obligated to register with agencies or entities that offer workshops, classes, training, etc., that Housing Assistance Workers (HAW) refer them to.
  - b. Failure or refusal to register with more than two agencies or entities will be considered as failure to comply with family obligations and may be grounds for termination of rental assistance.
  - c. All participants must abide by all rules governing the U.S. Department of Housing and Urban Development Section 8 rental assistance program.
3. Families may report to the Agency any decreases in their income, and/or expenses that would result in a reduction in their TTP, and the Agency after proper verification shall make the reduction to the family's TTP.
4. Treatment of income changes resulting from welfare program The PHA will not reduce the annual income of a family or reduce the family's contribution towards the rent because of a reduction in the family's welfare assistance specifically because of fraud or failure to participate in an economic self-sufficiency program or comply with a work activities requirement.

If the reduction results from: the expiration of a lifetime limit on receiving benefits, when the family has sought but cannot find employment; or the family has complied with



welfare program requirements but loses welfare because of a durational time limit such as a cap on welfare benefits for a period of no more than two years in a five-year period and is verified by the welfare department then the PHA will make adjustments.

5. Families *must* report to the Agency any changes in *the source of their income* (ex. employment to welfare), and/or family composition during the contract period within 10 (ten) calendar days of the change. Adjustments to the TTP shall be made if the income received is from a new source or there is a change in the family composition. Otherwise, such adjustments shall be made at annual reexamination.
6. Families must report any changes in family composition within 10 (ten) calendar days of the change regardless of whether the TTP would be affected in order to assure that the family remains housed in an appropriate size dwelling unit
7. The tenant must get written approval from the landlord prior to the move-in date.
8. Over night visitors are restricted to a total of 30-days in a calendar year. Must have written approval from the owner/manager.
9. Temporary absence of a family member from the household for periods more than three weeks must be reported to the HA.
10. Split Households - When a family splits up, the head-of-household (as listed with the PHA) may turn over the housing assistance to the remaining tenant. Request for the change must be in writing and approved by the PHA.
11. If a family does not report an increase in income until re-examination, they may be subject to reimbursement.
12. Disclosure of Income matching information to the Housing Agency.
  - a. Section 8 tenant-based participants must disclose the letter and other information they received from HUD regarding their verification initiative) to the Housing Agency.
  - b. The Housing Agency must verify the accuracy of the income data, change rent amounts, or terminate assistance as appropriate, when the participant discloses income information.

#### Q. RE-EXAMINATION

1. Annual Re-examination

Re-examination of a family's income, composition and extent of medical or other unusual expenses incurred by the family shall be made annually.

- a. The re-examination process will start no less than 60 days prior to the family's unit HAP contract anniversary date to insure that the reexamination process is completed in time.
- b. If at the time of admission or re-examination, a family's income cannot be reasonably determined for the next 12 months, the Agency shall schedule a re-examination at the earliest date it deems such determination may be made.
- c. The family will be sent a notice of the date and time of the annual re-examination and a Personal Declaration form. If the family fails to keep or reschedule the appointment, a second notice rescheduling the date and time of the annual re-examination shall be sent. If the family fails to keep or reschedule this appointment, essential to the timely completion of the re-examination process, the housing assistance payment contract will be terminated at the end of the lease year. The family shall be notified in writing with a statement or reasons and be offered the opportunity to request for an informal hearing. If it is determined that the reasons for the family not keeping the appointments are reasonable and justified, the Agency may grant the family another appointment to complete the annual re-examination.

2. Redetermination of Total Tenant Payment and Housing Assistance Payment

Appropriate redetermination shall be made by the Agency on the amount of Total Tenant Payment and amount of the Housing Assistance Payment.

3. Termination of Payments

Termination of Housing Assistance Payments due to determination of the family's ineligibility shall be in accordance with applicable HUD guidelines.

4. Decrease in Family Composition

If the Agency finds that the composition of a family has decreased, the family shall be reissued a Certificate. The Voucher is based on its present composition and reissued at re-examination.

a. Certificate Program

The family shall be required to immediately search for a lower priced dwelling unit or have the present rent reduced accordingly. Housing Assistance

Payments shall be terminated at expiration of the family's Certificate and after the family rejects without good reason the offer of a unit which the Agency judges to be acceptable.

b. Voucher Program

Adjustments to the Housing Assistance Payments shall be made based on the reissued Voucher at annual reexamination or the Agency has approved the family's move to another unit.

5. Increase in Family Composition

If the Agency finds that a family composition has increased, the family shall be issued a Certificate or Voucher based on a larger bedroom size and as stated in items 4a and 4b above.

6. Absence From Unit

"Absence" means that no member of the family is residing in the unit. The family may not be absent from the unit for a period of more than 60 days.

All termination notices will be in compliance with HUD regulations.

If absence is due to medical reasons, the participant shall provide acceptable verifications to the Agency.

R. INSPECTION OF DWELLING UNIT UNDER LEASE

1. Inspection to Determine Unit is in Decent, Safe, and Sanitary Condition

The Agency shall inspect or cause to be inspected each dwelling unit at least annually and such other times as necessary to assure that the owner is maintaining the unit in decent, safe and sanitary conditions and providing the agreed upon utilities and other services. Inspections will also be done on notification by the owner of possible damages by the tenant.

2. Determination that Unit is not Decent, Safe, and Sanitary

If the Agency determines that a dwelling unit is not decent, safe and sanitary and the owner fails to take corrective action after being duly notified, the Agency may exercise any of its rights, including abatement of Housing Assistance Payments (even if the family

continues in occupancy) and termination of the Contract. If the family wishes to be rehoused in another unit and the Agency decides to terminate the Housing Assistance Payments Contract or Voucher Contract, the family shall be issued another Certificate or Voucher.

3. The Agency must certify that the contract rent for units under the Certificate and Housing Voucher Program are comparable to other unassisted units.

## S. TERMINATIONS

### 1. Family Wishing to Move

- a. If an assisted family wishes to move to another unit and wishes to continue participating in the program, a Certificate or Voucher shall be issued if the family has fulfilled its obligations under the program.

No Certificate will be issued or new Housing Assistance Payment Certificate Contract will be offered or executed after August 12, 1999. The family will be offered continued assistance under the Voucher Program.

- b. A participant may move to any jurisdiction which administers the Housing Voucher Program or Certificate Program. The Agency may deny portability moves only if the number of portables in use is more than 25 percent of its total units under lease in the Program. Moves may be limited to one (1) in a 12-month period.

### 2. Required Termination Notice

- After the first year of the lease, if a participant wishes to move from the present dwelling, the participant must legally terminate its present lease by giving the owner at least a 30-day written notice, copy to be given to the Agency. A Mutual Recession of Lease signed by the owner/mgr., may also be requested by the Agency. The participant may thereafter request a new Certificate or Voucher.
- During the first year of the lease, termination of the lease must be by mutual agreement between the participant and the owner/authorized representative. The Agency requires that a Mutual Recession of Lease be signed by the

owner/authorized representative and the participant and submitted to the Agency.

- If less than a 30-day written notice is submitted, the participant may be responsible for any rent due until a new Housing Assistance Contract has been executed.

3. Termination Due To Illegal Use or Sale of Drugs or Violent Criminal Activity

If the Agency determines by a preponderance (as defined under Rule 2 B and S 5.) of evidence that a participant has used or does use illegal drugs or is involved with the sale of illegal drugs, the Agency will terminate assistance in accordance with HUD regulations. The participant, however, may be granted an exception as provided in Rule 2 Sec. I 3. Any other incident involving the use or sale of illegal drugs will result in termination of assistance.

If the Agency determines by a preponderance of evidence that a participant has engaged in violent criminal activity (as defined in S 7) or the abuse of alcohol, the Agency will terminate rental assistance. The Participant may request an informal hearing as stated in Section V.

4. Termination Due to Threats of Abusive or Violent Behavior Toward Agency Personnel

The Agency will at any time deny program assistance for an applicant, or terminate program assistance for a participant, if any member of the family has engaged in or has threatened abusive or violent behavior toward Agency personnel. The applicant or participant will be denied participation or application for assistance for **a minimum of ten years or denied participation as stated in Section U** from the date of termination of the Section 8 Contract.

The applicant and or the participant will be notified by certified letter of the decision. The applicant or participant may request an informal hearing as stated in Section V.

If abusive or violent behavior toward agency personnel was the cause of the termination of a Housing Assistance Contract and a participant's participation in the program, the agency's notice of termination shall state the duration of the disqualification.

5. Preponderance of Evidence: Evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. With respect to burden of proof in civil actions, means greater weight of evidence, or evidence which is more credible and convincing to the mind. That which best accords with reason and probability. The word "preponderance" means something more than "weight"; it denotes a superiority of weight, or outweighing. The words are not synonymous, but

substantially different. There is generally a “weight” of evidence on each side in case of contested facts. But juries cannot properly act upon the weight of evidence, in favor of the one having the onus, unless it overbears, in some degree, the weight upon the other side. It means that amount of evidence necessary for the plaintiff to win in a civil case. It is that degree of proof which is more probable than not. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence, which does not necessarily mean the greater number of witnesses, but opportunity for knowledge, information possessed, the manner of testifying determines the weight of testimony. Credible evidence: Credible evidence would be provided by such sources as police and the court system. Testimony from neighbors, when combined with other credible evidence, could be used toward determining whether a preponderance of evidence existed.

Situations which would add to preponderance of evidence included, but are not limited to, drug raids, drugs found in the dwelling unit, evidence which is tied to the activity, arrest warrants issued, or police reports detailing the offense.

The HA will not be obligated to ferret out information concerning a family’s criminal activities as a part of the processing of an application for assistance. Initial screening will be limited to routine inquiries of the family and any other information provided to the HA regarding this matter. The inquiries will be standardized and directed to all applicants by the inclusion of the inquiry on the application form.

6. Violent Criminal Activity - Includes any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force, firearms or other weapons against the person or property of another.
7. Alcohol Abuse - Any activity which, when perpetrated while under the influence of alcohol, leads to the interference with the health, safety or right to peaceful enjoyment of the premises of other residents.
8. Failure to comply with Family Obligations - The participant(s) must comply with their program obligations as stated in 24 CFR 982.551 and the PHA policies and procedures. If the family fails to fulfill its obligations under the Section 8 program termination of assistance will result.
9. Exclusion of family members - In determining whether to deny admission or terminate assistance, the PHA may impose, as a condition for assistance for other family members, a requirement that family members who participated in or were culpable for the action or failure to act will not reside in the unit. The PHA may permit the other members of a participant family to continue receiving assistance.
10. PHA Notice of Termination of Participation

The Agency will send the participant a letter terminating rental assistance and participation by certified mail to the last mailing address reported by the participant.

If the participant fails to accept or respond to the notice within the 15-business days as stated in Sec V, the participant shall be determined ineligible.

## T. EVICTION

### 1. Compliance with Law and Written Notice

The owner shall not evict any family occupying housing under this part unless the owner complies with the requirements of local law and HUD regulations. The owner shall give the family a written notice of the proposed eviction, stating the grounds and advising the family that it has ten (10) days within which to respond to the owner.

### 2. Agency's Authorization of Eviction

For leases entered into before October 1, 1981, the Owner must obtain the Agency's authorization for eviction. Accordingly, a copy of the eviction notice shall be furnished simultaneously to the Agency. The notice may also state that the family may, within the same period present its objections to the Agency in writing or in person. No Agency authorization is needed for leases after 10/1/81.

### 3. Agency's Examination on Grounds for Eviction

For leases entered into before October 1, 1981, the Agency shall examine the grounds for eviction and shall authorize the eviction unless it finds that the grounds for eviction stated by the owner are insufficient.

### 4. Notification by Agency to the Owner and Family

For leases entered into before October 1, 1981, the Agency shall notify the owner and the family of its determination within twenty (20) days of the date of the notice to the family whether or not the family has presented any objections to the Agency. The family shall also be advised of its eligibility or ineligibility for a Certificate or Voucher.

## U. DISQUALIFICATION FROM PARTICIPATION

If the Agency determines that a family or owner has violated program policies and requirements, such family or owner may be disqualified from participation in the program for such period as deemed appropriate by the Agency. The family or owner shall be notified in writing of the disqualification and shall be entitled to a hearing.

## V. INFORMAL HEARING

In the event a family or an owner disputes any action taken by the Agency and claims that such actions adversely affect the rights, duties welfare, or status of said family or owner, such family or owner may present a written complaint to the Agency so that the dispute may be discussed informally and settled without a hearing.

The complaint must be filed within fifteen (15) business days after the dispute arose or, if there was a written notification which gave rise to the dispute, within fifteen (15) business days from the receipt of the written notification. A summary of the discussion shall be prepared within seven (7) business days and one copy shall be given to the complainant. The summary shall specify the names of the participants, dates of meetings, the nature of the proposed disposition of the dispute and the specific reasons therefore, and shall specify the procedures by which a hearing under Section W may be obtained if the complainant is not satisfied.

## W. FORMAL HEARING

### 1. Request of a Hearing

If a complainant is not satisfied with the disposition of a dispute in the informal discussion, he may submit a written request for a hearing to the Agency within fifteen (15) business days after receipt of the written summary of the informal discussion.

### 2. Form and Content of Written Request

a. The written request shall contain each of the following:

- 1) Name, address and telephone number of the complainant;
- 2) A designation of the specific statutory provision, rule, or order in question, together with a statement of the dispute involved;
- 3) A statement of the complainant's position or contention;
- 4) A memorandum of points and authorities, containing a full discussion of reasons or legal authorities in support of such position or contention; and



- 5) The action or relief sought.
- b. Written requests which do not comply with the above requirements may be rejected and returned to the Complainant. Rejection and return of the request shall not toll the fifteen business day filing deadline.

3. Discovery

All parties shall have the opportunity to examine the other party's documents to be used at the formal hearing and copy said documents at the requesting parties expense prior to the formal hearing. The request for documents shall be in writing and delivered to the other party by personal delivery or mail. The requesting party shall be required to file the request for documents with a certificate to the effect that the request was given. During the formal hearing, a party may not introduce documents into evidence which were not made available to the requesting party.

4. Notice of Hearing

- a. The Notice of hearing shall contain:
  - 1) Date, time, place, and nature of hearing.
  - 2) The legal authority under which the hearing is to be held.
  - 3) The particular sections of the statutes and rules involved.
  - 4) An explicit statement in plain language of the issues involved and the facts alleged by the Agency in support thereof. If the Agency is unable to state such issues and facts in detail at the time and notice is served, the initial notice may be limited to a statement of the issues involved, and thereafter upon application, a bill of particulars shall be furnished.
  - 5) The fact that any party may retain counsel if he so desires and the fact that an individual may appear on his own behalf, or a member of a partnership may represent the partnership, or an officer of an authorized employee of a corporation or trade or association may represent the corporation, trade or association.
  - 6) The fact that the hearing will be conducted in conformance with the Rules for Formal Hearing and that a copy of said rules are available at

the Agency.

b. Service of the Notice of Hearing:

- 1) All parties shall be given written notice of hearing by registered or certified mail with return receipt requested at least fifteen (15) calendar days before the hearing.
- 2) If service by registered or certified mail is not made because of the refusal to accept service, or the Agency has been unable to ascertain the address of the party after reasonable and diligent inquiry, the notice of hearing may be given to the party by publication at least once in each of two successive weeks in a newspaper which is printed at least twice weekly in the County of Kauai.

5. Modification of Procedures by Stipulation

Any procedure in a formal hearing may be modified or waived by stipulation of the parties and informal disposition may be made of any formal hearing by stipulation, agreed settlement, consent order, or default.

6. Procedures in Conducting the Hearing

a. Pre-hearing Motions and Conferences

- 1) Pre-hearing Motions. The Hearing Officer may, prior to the hearing, consider and rule on all motions filed by any party to a formal case.
  - a) Notice. All parties shall be informed in writing by the moving party, of the time, date, and place for the hearing on the pre-hearing motion.
  - b) Certificate of Service. The moving party shall be required to file with the motion, a certificate to the effect that notice was given.
- 2) Pre-hearing Conferences. The Hearing Officer may, at the request of any party, or on its own initiative, conduct a pre-hearing conference to define issues of law and fact, to list all witnesses intended to be called, to all documentary evidence intended to be submitted, to stipulate to those issues of law and fact, to stipulate to those issues which are not contested, to stipulate to the admission of certain evidence, and to settle other matters which would help expedite the hearing.

- a) Notice. All parties shall be informed in writing by the moving party, of the time, date, and place for the pre-hearing conference. The moving party shall serve such notice to all other parties at least two business days prior to the date of the pre-hearing conference.
- b) Certificate of Service. The moving party shall be required to file a certificate to the effect that written notice of the pre-hearing conference was given.

b. Convening the Hearing

- 1) Hearing Officer. The Executive on Housing or his designee shall preside at the hearing. The Hearing Officer controls the course of the hearing, disposes of matters that normally and properly arise in the course of the hearing, and takes all other actions authorized by law that are deemed necessary to the orderly and just conduct of a hearing.
- 2) Calling the Hearing to Order. The hearing officer will identify the case by name and number, state for the record a brief description of the nature and subject matter of the hearing including the authority therefore, and shall then briefly outline the procedures to be followed.
- 3) Identification of Parties and Counsel. The hearing officer shall request all parties to identify themselves and their counsel. Where a party is represented by more than one counsel, only one counsel shall be permitted to cross-examine a witness or to state any objections or to make closing arguments.
- 4) Parties. The Hearing Officer shall determine and find on the record whether all parties have a bona fide interest in the subject matter.
- 5) Reading of Rights. The rights of all parties shall be carefully explained to all parties, including their right to counsel, to present evidence, and to cross-examine. All parties shall acknowledge on the record, their full understanding of these rights.
- 6) Stating objections. Before proceeding with the hearing, all parties shall be required to state for the record any objections they may have to any of the pre-hearing proceedings, and particularly the form and substance of the notice of the hearing.
- 7) Accurate Record. To insure an accurate record, a tape recorder or

other reliable recording equipment may be used. The decision to hire a court reporter or stenographer is left to the discretion of the Hearing Officer. It shall not be necessary to transcribe the record unless requested for the purposes of re-hearing or court review.

c. Presenting the Case; Rules of Evidence

- 1) Order of Appearance. The party initiating the hearing and with the burden of proof has the right to open and close. Other parties, will be allowed to present their case in an order agreed upon or as decided by the hearing officer.
- 2) Swearing in Witnesses. Prior to giving testimony, the witnesses shall be sworn in by the hearing officer.
- 3) Testimony. Each person shall be testifying, state his name, address, and shall give such information regarding his appearance as the Hearing Officer may request. The Hearing Officer shall confine the testimony to the matters for which the hearing was called. In order to allow persons an equal amount of time to testify, or to prevent repetitious testimony, the Hearing Officer may limit the amount of time for testimony per individual or per issue. Each witness may be subject to questioning by all parties.
- 4) Rebuttal. After all parties have rested their case, each party will be allowed to present rebuttal evidence in the same order as they presented their case.
- 5) Rulings by Hearing Officer. The Hearing Officer will make all rulings on points of law, including the admissibility of evidence, the merit of objections or motions, the granting of continuances, the limiting of testimony or witnesses, and other rulings authorized by law that are deemed necessary to the orderly and just conduct of the hearing and which do not involve the final determination of the proceedings.
- 6) Rules of Evidence.
  - a) Admissibility and Exclusion. Any oral or documentary evidence may be received, but the Hearing Officer, shall, as a matter of policy provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence.

- b) Record Supported by Evidence. No sanction shall be imposed or rule or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party and as supported by and in accordance with the reliable, probative, and substantial evidence.
- c) Privileges. The Hearing Officer shall give effect to the rules of privileges as recognized by law.
- d) Marking of Evidence. All evidence shall be marked for identification with the parties' name and number or letter.
- e) Copies. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available; provided that upon request, parties shall be given an opportunity to compare the copy with the original.
- f) Cross-examination. Every party shall have the right to conduct such cross-examination as may be required for a full and true disclosure of the facts.
- g) Official Notice. The Hearing Officer may take notice of judicially recognizable facts. In addition, the Hearing Officer may take notice of generally recognized technical or scientific facts within their specialized knowledge or facts based on common knowledge which are not subject to reasonable dispute. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed.
- h) Burden of Proof. Except as otherwise provided by law, the party initiating the hearing shall have the burden of proof, including the burden of producing evidence as well as the burden of persuasion.
- i) Standard of Proof. The degree or quantum of proof shall be a preponderance of evidence.

d. Closing Arguments

Each party shall be allowed to present closing arguments in the same order as

they presented their case in chief. The party initiating the hearing and having the burden of proof may speak last. The Hearing Officer may set a time limit for closing arguments.

e. After Closing Arguments; Decisions and Orders

1) Decision in Writing. Every decision and order adverse to a party to the proceeding rendered by the Hearing Officer shall be in writing or stated on the record and shall be accompanied by separate findings of fact and conclusions of law.

a) Parties to the proceeding shall be notified by personal delivery or mailing, a copy of the decision and order and accompanying findings and conclusions within a reasonable time to each party or attorney of record. With the personal delivery or certified mailing, the formal hearing is closed and the thirty-day period for court appeal pursuant to Section 91-14, HRS, begins to run.

2) Matters Outside Record. No matters outside the record shall be considered by the Hearing Officer in making the decision. The Hearing Officer shall not consult any person on any issue of fact except upon notice and opportunity for all parties to participate, save to the extent required for the disposition of ex-parte matters authorized by law.

**RULE 3. RULES OF PRACTICE AND PROCEDURES OF THE FAMILY SELF SUFFICIENCY PROGRAM (FSS)**

A. PURPOSE

The purpose of the Family Self-Sufficiency (FSS) program is to enable families receiving Section 8 assistance to achieve economic independence and self-sufficiency.

OBJECTIVE

The objective of the FSS program is to reduce the dependency of low-income families on welfare assistance and on section 8 housing assistance or any Federal, State, or local rent or home ownership subsidies. Under the FSS program, low-income families are provided opportunities for education, job training, counseling, and other forms of social service assistance, while living in assisted housing, so that they may obtain the education, employment, and business and social skills necessary to achieve self-sufficiency.

B. DEFINITIONS

**Adjusted Income.** Annual income, less allowable HUD deductions.

**Annual Income.** The anticipated total annual income of an eligible family from all sources for the 12-month period following the date of determination of income, computed in accordance with the regulations.

**Contract of Participation.** A contract in a form approved by HUD, entered into between a participating family and the KCHA that sets forth the terms and conditions governing participation in the FSS program.

**Earned Income.** Income or earnings included in annual income from wages, tips, salaries, other employee compensation, and self-employment. Earned income does not include any pension or annuity, transfer payments, any cash or in-kind benefits, or funds deposited in or accrued interest on the FSS escrow account established by the KCHA on behalf of a participating family.

**Effective date of Contract of Participation.** The first day of the month following the month in which the FSS family and the KCHA entered into the contract of participation.

**Eligible families.** Current section 8 rental certificate or rental voucher program participants.

**Enrollment.** The date that the FSS family entered into the contract of participation with the KCHA.

**Family Self-Sufficiency program or FSS program.** The program established by the KCHA to promote self-sufficiency among participating families, including the provision of supportive services to these families, as authorized by section 23 of the U.S. Housing Act of 1937.

**FSS Escrow Account.** The escrow account authorized by section 23 of the U.S. Housing Act of 1937, and as provided by volume 24 CAR part 984, §984.305.

**FSS Credit.** The amount credited by the KCHA to the participating family's FSS account.

**FSS Family or Participating Family.** A family that receives assistance under the rental certificate or rental voucher programs, and that elects to participate in the FSS program, and whose designated head of the family has signed the contract of participation.

**FSS related service programs.** Any program, publicly or privately sponsored, that offers the kinds of supportive services described in the definition of "supportive services" as described in this section.

**FSS slots.** The total number of rental certificates or rental vouchers that comprise the minimum

size of the KCHA's section 8 FSS program.

Head of FSS family. The adult member of the FSS family who is the head of the household for purposes of determining income eligibility and rent.

HUD. The department of Housing and Urban Development.

Individual training and services plan. A written plan that is prepared for the head of the FSS family, and each adult member of the FSS family who elects to participate in the FSS program, by the KCHA in consultation with the family member, and which sets forth:

- 1) The supportive services to be provided to the family member;
- 2) The activities to be completed by that family member; and
- 3) The agreed upon completion dates for the services and activities. Each individual training and services plan must be signed by the KCHA and the participating family member, and is attached to, and incorporated as part of the contract of participation.

JOBS program. The Job Opportunities and Basic Skills program authorized under part F of title IV of the Social Security Act (42 U.S.A. 402(a)(19)).

JTPA. The Job Training Partnership Act (29 U.S.A. 1579(a)).

KCHA. The Kauai County Housing Agency.

Low Income Family. A family whose income does not exceed 80% of the median income for the area as determined by HUD with adjustments for smaller or larger families, except that HUD may establish income limits higher or lower than 80% on the basis of its findings that such variations are necessary because of the prevailing levels of construction costs or unusually high or low incomes.

Minor. A member of the family household (excluding foster children) other than the family head or spouse who is under 18 years of age.

Monthly Adjusted Income. One twelfth of the adjusted Annual Income.

Program Coordinating Committee or PCC. The PCC must consist of representatives of the KCHA, and of residents assisted under the section 8 rental certificate or rental voucher program. The PCC should also include representatives of the unit of local government served by the KCHA, local agencies responsible for carrying out JOBS training programs, or programs under the JTPA, and other organizations, such as other State, local or tribal welfare and



employment agencies, public and private education or training institutions, child care providers, nonprofit service providers, private business, and any other public and private service providers with resources to assist the FSS program.

**Public Assistance.** Welfare or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly by Federal, state, or local governments.

**Public Housing Agency or PHA.** Any state, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of housing for low-income families.

**Self-Sufficiency.** When a FSS family is no longer receiving section 8 assistance, or any Federal, State, or local rent or home ownership subsidies or welfare assistance. Achievement of self-sufficiency, although an FSS program objective, is not a condition for receipt of the FSS account funds.

**Supportive Services.** Those appropriate services that the KCHA will attempt to make available, or cause to be made available to an FSS family under a contract of participation, and may include: *child-care, transportation, education, employment, personal welfare, household skills and management, counseling, money management* and other services that the KCHA may determine to be appropriate in assisting FSS families to achieve economic independence and self-sufficiency.

**Unit Size.** Refers to the number of bedrooms in a dwelling unit.

**Very Low Income Family.** A lower income family whose annual income does not exceed 50% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50% of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes. This is the income limit for the Certificate and Voucher programs.

**Welfare Assistance.** Income assistance from Federal, or State welfare programs, and includes assistance provided under the *Aid to Families with Dependent Children (AFDC) program; Supplemental Security Income (SSI)* that is subject to an income eligibility test; *Medicaid, Food Stamps, General Assistance*, or other assistance provided under a Federal or State program directed to meeting general living expenses, such as food, health care, child-care, but does not include housing expenses (e.g. rent, mortgage or utilities payments) and does not include transitional welfare assistance (e.g. Medicaid) for JOBS participants.

## C. RECRUITMENT AND SELECTION OF PARTICIPANTS

### 1. Recruitment and Outreach Efforts

All potential participants will be notified by use of such means as letters, flyers, radio announcements and articles in newspapers. All Section 8 participants will be notified by mail. The notification shall include a summarized description of the FSS program, its purpose, benefits and eligibility requirements. Additionally, FSS counselors and Section 8 Housing Assistance Workers will actively recruit and inform clients of the availability of the FSS program.

2. Basis for Participant Selection

- a. Candidates must be Section 8 Program participants at the time selection is made.
- b. Initially, candidates will be randomly selected using a “lottery” system to establish a wait list while ensuring that there will be no discrimination with regard to race, color, religion, sex, handicap, familial status or national origin. Subsequent selection of candidates will be done on a first come first served basis.

3. Targeted Selections

A selection preference will be given to families who have one or more members enrolled in or on the waiting list of JOBS (Job Opportunities and Basic Skills), JTPA (Job Training Partnership Act), the YWCA’s Ho’omaka program, and other FSS related programs. This selection preference will be limited to fifty percent (50%) of the total FSS slots available. This selection preference will only be used in the initial “lottery” selection. There will be no selection preferences once selection is done on a first come first served basis.

4. Non-Selection for Participation

A family may be skipped (not selected for participation in FSS) if “key” services are unavailable. “Key” services are described as services that are integral to the family’s ability to achieve self-sufficiency.

D. CONTRACTS OF PARTICIPATION

Each family that is selected to participate in the FSS program must enter into a contract of participation with the Kauai County Housing Agency. The contract of participation must be signed by the head of the FSS family.

1. Form and Content of Contract

The contract of participation, which incorporates the individual training and services plan(s), shall be in the form prescribed by HUD, and shall set forth the principal terms and conditions governing participation in the FSS program, including the rights and responsibilities of the FSS family and of the Kauai County Housing Agency (KCHA), the services to be provided to, and the activities to be completed by, the head of the FSS family and each adult member of the family who elects to participate in the program.

2. Interim Goals

The individual training and services plan, incorporated in the contract of participation, shall establish specific interim and final goals by which the KCHA and the family, may measure the family's progress toward fulfilling its obligations under the contract of participation and becoming self-sufficient.

For each participating FSS family that is a recipient of welfare assistance, the KCHA must establish as an interim goal that the family become independent from welfare assistance and remain independent from welfare assistance at least one year before the expiration of the term of the contract of participation, including any extension thereof.

3. Compliance With Lease Terms

The contract of participation shall provide that one of the obligations of the FSS family is to comply with the terms and conditions of the Section 8-assisted lease.

4. Employment Obligation

The head of the FSS family shall be required under the contract of participation to seek and maintain suitable employment during the term of the contract and any extension thereof. Although other members of the FSS family may seek and maintain employment during the term of the contract, only the head of the FSS family is required to seek and maintain suitable employment.

The obligation to seek employment means that the head of the FSS family applies for employment, attends job interviews, and otherwise follows through on employment opportunities.

A determination of suitable employment shall be made by the KCHA based on the skills, education, and job training of the individual that has been designated the head of the FSS family, and based on the available job opportunities within the jurisdiction served by the KCHA.

5. Consequences of noncompliance with the contract of participation

The contracts of participation shall specify that if the FSS family fails to comply, without good cause, with any term or condition of the contract of participation or any provision of these rules which includes compliance with the public housing lease or the Section 8-assisted lease, the KCHA may:

- a. Withhold the supportive services;
- b. Terminate the family's participation in the FSS program.

6. Contract Term

The contract of participation shall provide that each FSS family will be required to fulfill those obligations to which the participating family has committed itself under the contract of participation no later than 5 years after the effective date of the contract.

7. Contract Extension

The KCHA may, in writing, extend the term of the contract of participation for a period not to exceed two years. The FSS family must request, in writing, for an extension of the contract. The KCHA may grant such extension if it finds that good cause exists for granting the extension. The family's written request for an extension must include a description of the need for the extension. As used in this paragraph, "good cause" means circumstances beyond the control of the FSS family, as determined by the KCHA, such as a serious illness or involuntary loss of employment. Extension of the contract of participation will entitle the FSS family to continue to have amounts credited to the family's FSS account.

8. Unavailability of Supportive Services

If a social service agency fails to deliver the supportive services pledged under an FSS family member's individual training and services plan, the KCHA shall make a good faith effort to obtain these services from another agency.

If the KCHA is unable to obtain the services from another agency, the KCHA shall reassess the family member's needs, and determine whether other available services would achieve the same purpose. If other available services would not achieve the same purpose, the KCHA shall determine whether the unavailable services are integral to the FSS family's advancement or progress toward self-sufficiency.

If the unavailable services are determined not to be integral to the FSS family's advancement toward self-sufficiency, the KCHA shall revise the individual training and

services plan to delete these services, and modify the contract of participation to remove any obligation on the part of the FSS family to accept the unavailable services.

If the unavailable services are determined to be integral to the FSS family's advancement toward self-sufficiency, the KCHA shall declare the contract of participation null and void.

9. Modification of the Contract

The KCHA and the FSS family may mutually agree to modify the contract of participation. The contract of participation may be modified in writing with respect to the individual training and services plans, the contract term in accordance with section (8) above, and designation of head of the family.

10. Completion of the Contract

The contract of participation is considered to be completed, and a family's participation in the FSS program is considered to be concluded when one of the following occurs:

- a. The FSS family has fulfilled all of its obligations under the contract of participation on or before the expiration of the contract term, including any extension thereof; or,
- b. 30 percent of the monthly adjusted income of the FSS family equals or exceeds the published existing housing fair market rent for the size of the unit for which the FSS family qualifies based on the KCHA's occupancy standards. The contract of participation will be considered completed and the family's participation in the FSS program concluded on this basis even though the contract term, including any extension thereof, has not expired, and the family members who have individual training and services plans have not completed all the activities set forth in their plans.

11. Termination of the Contract

The contract of participation is automatically terminated if the family's Section 8 assistance is terminated in accordance with HUD requirements. The contract of participation may be terminated before the expiration of the contract term, and any extension thereof, by:

- a. Mutual consent of the parties;
- b. The failure of the FSS family to meet its obligations under the contract of

participation without good cause, including in the Section 8 FSS program the failure to comply with the contract requirements because the family has moved outside the jurisdiction of the KCHA;

- c. The family's withdrawal from the FSS program;
- d. Such other act as is deemed inconsistent with the purpose of the FSS program;  
or
- e. Operation of law.

#### E. FSS ESCROW ACCOUNT

The KCHA will establish an FSS escrow account for the family. A portion of the increases in the family's rent because of increases in earned income will be credited to the FSS escrow account in accordance with HUD requirements.

The family's annual income, earned income, and family rent (TTP) will be recorded when the family begins the FSS program. These amounts will be used to determine the amount credited to the family's FSS escrow account because of future increases in earned income.

The KCHA will invest the FSS escrow account funds in HUD-approved investments.

The KCHA will give the family a report on the amounts in the family's FSS escrow account at least once a year.

If the family is participating in the section 8 program and moves outside the KCHA's jurisdiction under Section 8 portability procedures, the KCHA may transfer the balance of the family's FSS escrow account to another Housing Agency.

##### 1. Withdrawal of Funds from FSS Escrow Account

The KCHA will pay the head of the family the amount in the family's FSS escrow account, less any amount owed to the KCHA when:

- a. the KCHA determines that the family has completed this contract, and,
- b. at the time of contract completion, the head of the family provides written certification to the KCHA that no member of the family is receiving welfare assistance. Welfare assistance means income assistance from Federal or State welfare programs including AFDC, SSI that is subject to an income eligibility test, Medicaid, Food Stamps, and General Assistance. Welfare assistance does not include transitional Medicaid or child care for JOBS participants or SSI payments to guardians of disabled children.

If the head of the family leaves the assisted unit, the remaining family members may, after consulting the KCHA, name another family member to receive the FSS escrow account funds.

The KCHA may permit the family to withdraw funds from the FSS escrow account before completion of the contract if the family has completed specific interim goals, designated by the KCHA, and needs some of the FSS escrow account funds to complete the contract (example: to pay for school costs).

2. Forfeiture of FSS Escrow Account

Amounts in the FSS account shall be forfeited upon occurrence of the following:

- a. The contract of participation is terminated as provided in Section D part 8 of this document, or Section D part 9 of this document; or,
- b. The contract of participation is completed by the family, as provided in Section D part 10 of this document, but the FSS family is receiving welfare assistance at the time of expiration of the contract of participation, including any extension thereof.

F. EQUAL OPPORTUNITY REQUIREMENTS

Participation in these programs require compliance with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the Fair Housing Amendment Act of 1988, Executive Order 11063 and all rules, regulations, and requirements issued pursuant thereto.

G. SEVERABILITY

If any rule, section, sentence, clause or phrase of the rules and regulations of its application to any person or circumstances or property is held to be unconstitutional or invalid, the remaining portions of these rules and regulations of the application of these rules and regulations to other persons or circumstances or property shall not be affected. The Agency hereby declares that it would have adopted these rules and regulations, and each and every rule, section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more other rules, sections sentences, clauses, or phrases is declared unconstitutional or invalid.

H. This rule shall take effect 10 days after filing with the office of the County Clerk.

**ADOPTION**

**COUNTY OF KAUAI**

RECOMMENDED BY:

APPROVED BY:

\_\_\_\_\_  
Executive on Housing    Date

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

APPROVED AS TO FORM & LEGALITY:

\_\_\_\_\_  
Deputy County Attorney    Date

**CERTIFICATION**

It is hereby certified that the foregoing Administrative Rules for the Section 8 Administrative Plan were adopted on November 18, 1999 by the Kauai County Housing Agency pursuant to the provisions of the Hawaii Administrative Procedure Act, Chapter 91, Hawaii Revised Statutes, as amended, and that the notice of public hearing on the foregoing document was published in the HAWAII STATE & COUNTY PUBLIC NOTICE-KAUAI ISSUE on October 18, 1999.

Date in Lihue, Kauai, Hawaii, this \_\_\_\_th day of \_\_\_\_\_, 1999.

KAUAI COUNTY HOUSING AGENCY



By \_\_\_\_\_  
Executive on Housing

Received this \_\_\_\_ day

of \_\_\_\_\_, 2000

\_\_\_\_\_  
Peter A. Nakamura  
County Clerk

**CERTIFICATION OF COUNTY CLERK**

I hereby certify that on \_\_\_\_\_, 2000 I have  
accepted for filing from the Kauai County Housing Agency  
the Section 8 Administrative Plan adopted by that body on  
November 18, 1999.